
ADDENDA AND CORRIGENDA

TO

TUPPER'S INDIAN POLITICAL PRACTICE.

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TUPPER'S INDIAN POLITICAL PRACTICE.

LIST OF ADDENDA AND CORRIGENDA.

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Add as a footnote to the penultimate sentence of paragraph "4" in §4:—

It is the duty of a Native State to punish any sedition against the King in its territory Whether this should be done as an act of State, or by treating such sedition as on the same footing as sedition against the Chief himself, will depend on the law of the State (Pro, Secret I, July 1899, Nos. 1-4).

Add as a footnote to "might be strained" in the penultimate paragraph of § 23 :—

e g, the Bhumia feudatories of Mewar [Pro, Internal A, March 1900, Nos 190-206 (No. 190)].

Inter-statal famine loans.

§ 23A. The famine of 1896-97 following, as it did, two years of scarcity found many States in Central India at the end of their resources. The loss of revenue during the famine and the increased expenditure necessary for adequate relief operations entailed deficits which the Darbars could not meet by borrowing in the open market. The Government of India were prepared to assist with loans: but in view of financial requirements elsewhere, it was deemed preferable to give the richer States the opportunity of making the loans and thus husband Government resources. The Maharaja Sindhia, who was approached, was glad to secure the investment, provided that Government would guarantee repayment with interest at 4 per cent. This was agreed to, and the Agent to the Governor-General was authorised to distribute the loans up to a limit of 15 lakhs. The assistance might only be granted to States whose resources were quite exhausted,* and was to be restricted in each case to the lowest amount necessary for purposes of famine relief and of general administration. As further conditions, a State wishing to borrow had to consent to be guided by the Political Officer in all matters of famine relief or of general administration for which the loan was desired, and to agree that failure to pay the interest and principal of the loan, according to the terms settled in each case, should render the State liable† to be taken under direct management until the debt should be discharged‡. Loans aggregating Rs. 13,21,300 were thus allotted§. The circumstances were exceptional, and the case is not to be regarded as a precedent to encourage Chiefs "to set up as bankers for their more impecunious neighbours"‖. The interposition of the Gwalior Darbar was a matter of convenience to the Government of India to relieve them at a time of financial stress. Accordingly, the objects of the loans were restricted to the obligations of Government, namely, the usual duty to prevent loss of life by famine, and the exceptional obligation (accepted in this instance as a matter of urgent political expediency) to assist the States to meet the regular charges of administration. A Government guarantee was given contrary to the usual practice in inter-statal loans: and, owing to the guarantee, the transactions were passed through the Government accounts, and the Comptroller of India Treasuries was instructed to watch recoveries as if the loans had been made from Government funds¶. For similar reasons, the Government of India accepted the Maharaja Sindhia's offer to lend Rs. 12 lakhs to impoverished States in Central India during the famine of 1899-1900: a similar procedure was followed, except that the Agent to the Governor-General was required (the urgency being less) to obtain sanction to the various loans, instead of arranging them on his own responsibility, and that, following the precedent of Rewa in 1897, States with investments in Government securities (and therefore not without resources) were permitted to participate in the Gwalior loan, instead of selling their securities at a loss or borrowing on them at unfavourable rates elsewhere**.

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* As an exception, Rewa was allowed to borrow from Gwalior instead of selling Government paper at a loss. Pro, Internal A, April 1897, Nos 400 402

† The liability would not necessarily be enforced unless the Darbar should be shown to be culpably negligent in repaying (*cf.* Pro, Internal A, February 1900, Nos 52 53).

‡ Pro, Internal A, Feb. 1897, Nos 92-138.

§ Pro, Internal A { Nov. 1898, Nos 403-408 / March 1899 „ 19-20.

‖ „ „ „ { Oct 1897, Nos 210 211 (K W) / Nov 1899 „ 79-90 (K W, p 3).

¶ „ „ { A, Nov 1898, Nos 403-408. / B, May 1899, No 684.

** „ „ A, Jan. 1900, Nos. 75-91.

23B. The restriction on the scope of the Gwalior loans of 1896-97 was relaxed in only one instance, after it was clear that the whole allotment of Rs. 15 lakhs would not be utilised. With Sindhia's express consent, Bijawar was allowed to borrow Rs. 30,000 in order to redeem certain mortgaged villages, thereby materially improving the financial position of the State*. A proposal for the Jigni Jagir to similarly borrow Rs. 4,000 in order to liquidate old debts was negatived, the Government of India declining to sacrifice the general principle for the sake of securing a favourable settlement of a trifling case†. Each proposal for an inter-statal loan must in fact be dealt with on its merits, and *when it can be shown that the security offered is sufficient, that the terms are fair*‡, *and that material benefits will result*, the transaction is generally sanctioned. Thus, the Raja of Mandi was allowed to lend Rs. 60,000 to the Nawab of Loharu§, and the Thakur of Chuda was permitted to borrow Rs 1,55,000 from the States of Muli and Marawadar‖ in order to compound with creditors. The Jamkhandi State was allowed to lend Rs. 75,000 to the Jath State and Rs. 30,000 to a Feudatory of Kolhapur, for famine relief¶. The construction of works of public utility is the usual object of inter-statal loans. The Jodhpur-Bikanir and the Rajkot-Jamnagar railways referred to in the footnote to § 23 are instances in point. Other examples of railway loans are the loans of Rs. 7 lakhs by Marawadar to Dhangadra**, of Rs. 5 lakhs by Navanagar to Cambay††, of Rs. 17 lakhs by Gwalior to Tonk‡‡, and of Rs. 25½ lakhs by Mysore to Jodhpur§§. The Maharaja Sindhia wished the Government of India to guarantee his loan to Tonk. This was refused on general principles (§682): but it was arranged that on default of payment, the finances of the Tonk State should continue to be controlled by the Political Agent (as was the case at the time of the negotiations) until the liquidation of the loan. The Agent to the Governor-General in Central India may authorise small loans between States under British superintendence: but each sanction must be reported to the Government of India.‖‖

Other inter-statal loans.

Between States under British superintendence.

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* Pro., Internal A, November 1898, Nos. 403-408.

† „ „ „ September 1897 „ 497-499.

‡ For a refusal to sanction, because of excessive rate of interest and onerous conditions of repayment, see Pro., Internal A, September 1900, Nos. 6-49 (No. 17).

§ Pro., Internal A, December 1897, Nos. 36-45.

‖ „ „ „ May 1896 „ 232-233.

¶ „ „ „ „ 1898 „ 6-11.

** Pro., Internal A, September 1897, Nos. 482-488.

†† „ „ „ January 1899 „ 76-80.

(The sanction was not acted upon, because the Gaekwar undertook to construct the portion of the line in Baroda territory.)

‡‡ Pro., Internal A, April 1898, Nos. 102-187.

§§ „ „ „ March 1899 „ 159-177.

‖‖ „ „ „ December 1889 „ 176-177.

Add as a footnote to the words "mere ceremony" in the fourth line of § 24:—

"17 A. For an objection to direct correspondence between Native Chiefs even on ceremonial occasions, see Pro., Secret I., January 1896, Nos. 95-98".

Add to § 31:—

Consular Officers in India are merely commercial agents for trade purposes. Participation in political demonstrations renders them liable to the withdrawal of their exequatur*.

Status of Consular Officers.

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* Pro., Secret E., August 1898, Nos. 376-379.

Add to footnote 25 to §32:—

Negotiations were subsequently resumed, with the concession on our side that "the Government of Portuguese India may, in its absolute discretion, refuse to deliver up any person charged with a crime punishable with death, unless, on its part, the Government of British India shall undertake that a sentence of death shall (if passed) be commuted to a sentence of transportation or imprisonment". (*Pro, Internal A, July 1898, Nos. 48-59.*) Pending conclusion of a convention, a *modus vivendi* has been arranged, whereby the Portuguese authorities surrender to us all Asiatic offenders, except Portuguese subjects, who have committed crimes in British India or Native States, and we surrender all Asiatic criminals who have committed offences in Portuguese India, except British Indian subjects and subjects of Native States. *(Pro., Internal A, February 1899, Nos. 136-156.)*

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§ 51 C. Active intervention was for some time imminent in Hyderabad.

Hyderabad.

In 1889, the State was known to be in debt, and the expenditure gave grounds for anxiety. In 1892 and 1895, successive Viceroys impressed on the Nizam the need for retrenchment, more especially as regards his personal expenditure. In 1896, His Highness was again warned of the extreme importance of stricter control to avoid financial embarrassment. So far from heeding the advice, the Nizam fixed the privy purse allotment at Rs. 70 lakhs, almost the highest sum hitherto drawn, and a loan of £130,000 was irregularly contracted in London to meet State expenditure. The Resident was accordingly instructed to convey "a most serious and emphatic warning" to His Highness, and to advise that the proposed allotment of Rs. 70 lakhs was much beyond the most liberal estimate of His Highness's requirements. The Government of India had already required of the State a full and precise account of the actual position of the finances, and, as the information furnished was insufficient, they decided that a special enquiry by a financial expert was essential. His Highness's Government entrusted the duty to their Comptroller-General, a British officer lent to the State, and his report was submitted in September 1897. It showed that under good management, and with a limitation of His Highness's personal demands to Rs. 40 lakhs, the financial position of the State would be sufficiently sound. The revenue was progressive and the expenditure well under control under all heads, except that of the Nizam's personal expenditure. To this factor, the embarrassment of the State was almost entirely due. During the period 1890—1895, the privy purse payments, including bills transferred to the State, had aggregated 4½ crores, and had converted into a heavy deficit what would have been a surplus, if His Highness's expenditure had been restricted to 40 lakhs annually. As it was, the State had outstanding debts of nearly 2 crores: it had to meet deficiencies of revenue due to famine and other causes: and additional famine liabilities were anticipated. The position was further complicated by the failure of His Highness's Government to raise a loan in India to meet their more pressing needs, and by the Nizam's exasperation with his Minister, whom he blamed for the disorder in the finances and accused of having exaggerated his personal expenditure. The Government of India held that the Minister was not to blame: they refused to acquiesce in his dismissal: and in order to elucidate the purposes to which the payments to His Highness had been applied, they advised that the Comptroller-General's examination should be extended to the privy purse accounts. Contrary to this advice, the Nizam appointed a Committee of Nobles to enquire into the finances and liquidate the debts independently of the Minister. A conflict between them and the Minister speedily ensued, with the result that "the situation created was one of gravity and difficulty in which (the Government of India) might at any moment be called upon to take action of a decisive character, which might raise the whole question of the relation of the Government of India towards Native States". The Nizam so far yielded to the representation of the Resident as to withdraw his wish to dismiss the Minister. He was also informed that the Government were dissatisfied with his appointment of the Committee, and that the investigation and reorganisation of the finances had better be entrusted to the Comptroller-General. "We trust", wrote the Government of India to the Secretary of State, "that this advice will be sufficient. Hyderabad must, however, be saved from financial ruin, and if the Nizam absolutely neglects to be guided in this matter by our advice, we propose * * * to make it clear to His Highness that, in the last resort, we shall be compelled to intervene authoritatively

to secure obligatory reforms". His Lordship concurred. "If," he said, "His Highness should continue to refuse his consent or to thwart attempts to examine the real state of the accounts with a view to effecting necessary reforms, I am prepared to support Your Excellency in appointing, as an act of State, and paramount authority, a Financier * * * to report fully upon the condition of the finances of Hyderabad, including the Sarf-i-Khas (privy purse) accounts, and upon the measures necessary to protect the State from insolvency". The crisis was averted by the Nizam dissolving the Committee and agreeing to a full enquiry by the Comptroller-General into the Sarf-i-Khas accounts. Subsequently the enquiry was dispensed with on the Nizam agreeing to forthwith limit his demands on the public treasury to 50 lakhs, to classify them under appropriate heads in the budget, and to give a written order for any payment in excess of budget provision *.

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* Pro., Secret I. { March 1898, Nos. 52-123. / September „ „ 35-92. / November „ „ 37-57. / August 1899 „ 102-112.

Add as a footnote to § 52 (7) :—

The discussion of such abstract questions as "the inherent judicial powers of the ruler of a Native State" is undesirable. Pro., Internal B, September 1900, Nos. 46-47.

Add to footnote 10 to § 57 :—

Cf. also Pro., Internal A, April 1897, Nos. 464-470.

Add as a footnote to the fourth sentence in § 62 :—

Thus in 1897 the Raja of Khandpara was required to defray the cost of the police force sent to quell certain disturbances which he had fomented in the Nayagarh State (Pro., Internal A, May 1897, Nos 103-111). The Raja of Bashahr was fined Rs. 1,000 for deliberate discourtesy to the Superintendent of the Simla Hill States (Pro., Internal A, January 1900, Nos. 68-69).

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§ 65 A. In 1895 the Maharaj Rana Zalim Singh was reported to be deliberately contravening the conditions attached to his return to power. Being under a special obligation to keep the Political Agent informed of all matters with which he ought to be acquainted, His Highness not only refused to consult him or take his advice, but punished those who approached him. He had also been guilty of various acts of maladministration, such as the arbitrary arrest of individuals acquitted by the Courts of Law, excessive delay in the trial of accused persons, the removal of 4½ lakhs from the treasury and numerous dismissals and punishments of public servants whom he replaced by unworthy successors. In order to give the Chief the fullest opportunity to explain his conduct, the Agent to the Governor-General was directed to enquire into the facts on the spot, and to warn His Highness of the serious nature of the case. The Maharaj Rana, however, disregarded warnings and advice; he maintained that he had been invested with full powers, and was entitled to exercise those powers without interference: he withheld information and even contemplated,

The Jhalawar case, 1896.

it seems, a resort to violence. The Agent to the Governor-General completed his enquiry however, and obtained confirmatory evidence from the chief officials and nobles of the State that His Highness had been conducting the administration in a manner inconsistent with the proper exercise of his powers and the obligation he had undertaken when they were restored to him. In summing up the case, the Government of India observed that the question before them had been "not so much specific acts of the Maharaj Rana which called for censure or punishment, as the condition of his State and his fitness to rule it. It is to the Paramount Power alone that the inhabitants of a Native State can look for protection against misgovernment. * * Thus it has become the duty of the Government of India to interfere when any Chief persists in a course of action which is in contravention of his engagement or his position as a feudatory of the Crown. Misrule on the part of a Government which is upheld by the British power is misrule in the responsibility for which the British Government becomes in a measure involved. It becomes, therefore, not only the right but the positive duty of the British Government to see that the administration of a State in such a condition is reformed and that gross abuses are removed". Having regard to the recent facts and the previous history of the Maharaj Rana, the Government of India held that "unable, as he is, to appreciate the limitations which are necessarily put upon the arbitrary exercise of personal will by a Ruling Chief in India", he was not and never could be fit to rule his State. He had exhibited, they said, "a continued and studious disregard of the advice of the British Government and its Agents, a disposition to set up his own judgment against that of the Government and a determination to act under the counsel of irresponsible advisers". Zalim Singh was, therefore, deposed and directed to reside thenceforth outside the limits of Rajputana and Central India*. The decision was confirmed by the Secretary of State.

* Pro., Secret I., March 1896, Nos. 10-73.

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§ 65 B. In 1895 the Maharaja Holkar was reported to be ordering numerous expulsions from the State, confiscations of property and imprisonments without reference to the Courts. Hardly a day passed in which some one was not beaten or subjected to minor cruelties. Many officials were summarily dismissed and business at head-quarters was coming to a stand-still. The Viceroy, therefore, addressed a *kharita* to His Highness. "Reports", he wrote, "have reached me which attribute to Your Highness conduct of an arbitrary nature and acts of oppression, not to say cruelty, which, if correctly represented, I cannot but regard as a grave scandal". After referring to the warning given to the Maharaja's father in 1884 (§ 61), to the promises of good government made by the present Chief in 1896, and to the responsibility which attaches to the Government of India to protect the subjects of Native States from misgovernment or oppression, His Excellency intimated that, "should the causes of dissatisfaction unhappily not be removed", His Highness "must incur grave danger of most serious ulterior consequences".* The Maharaja's reply was discourteous and unsatisfactory, and indicated no intention to take steps to redress abuses. He was so further ill-advised as to offer the Agent to the Governor-General a bribe of a lakh of rupees. The Government of India, however, "would not, except in the last resort, take the extreme measure of deposing a Native Chief" and decided still to grant His Highness an opportunity of reform. "It is not possible", they said, "to exaggerate the impropriety of the Maharaja's conduct in thus deliberately offering to the British Government, in the person of their representative, the insult of a bribe. * * * A Chief who can descend to such an act forfeits thereby all claim to consideration and confidence. It becomes the duty of the Government of India to take adequate measures to safeguard the interests of the State concerned against a Ruler so manifestly unfit to exercise unfettered powers. The future of the State and of the State subjects must be looked to:

Indore, 1895—1900.

* Pro., Secret I, September 1895, Nos. 7-33.

consideration for the person holding the Chiefship for the time being is of minor importance. * * * The Maharaja has tendered an unreserved apology. His Excellency the Viceroy is prepared to accept the apology, if the Maharaja offers effective and practical proof of sincere regret for the past and of firm determination to give the Government of India no cause for anxiety in the future. The gravity of the case is such that the Maharaja will be required to comply with the following conditions :—

(i) He shall tender a written apology to the Viceroy.

(ii) He shall subscribe to an engagement to redress grievances, and to refrain from acts of oppression and misgovernment.

(iii) He shall give an assurance that he will appoint a qualified Minister, with a suitable staff of subordinate officials, and will grant them adequate powers and support in their management of Indore affairs.

Provided that the Maharaja loyally abides by these terms, his past conduct will now be condoned. * * *"*

In order to maintain the Maharaja's authority and dignity (an essential point if he was to continue in power), these terms were kept secret and were communicated to His Highness by the Agent to the Governor-General in the presence of only such officers as he considered desirable as witnesses. Holkar accepted the terms, his acceptance and apology being embodied in autograph letters as stipulated.

Meanwhile, the facts had been reported to the Secretary of State. His Lordship replied—"Not only the actions, but also the communications of His Highness, indicate a total disregard of his duties and responsibilities: and I consider that both Your Excellency's predecessor and yourself have strained to its utmost limit the consideration and forbearance which can be shown to the Ruler of Indore. Unless a complete reform has taken place, I could not withhold my support if your Government were to proceed without further delay to carry out the extreme measures of the possibility of which His Highness has been warned. * * *"

The incident having terminated with the Maharaja's acceptance of the terms dictated, the next two years were not marked by any conspicuous deeds of violence or impropriety on his part. But in 1898, he "exceeded in ferocity and injustice" his misdeeds of 1895. Without a regular trial or sufficient evidence, and contrary to the unanimous opinion of his Council, he ordered the execution of a man named Ganpat on a charge of having murdered Govind Rao Bolia, a Sardar of Indore. The Minister refused to carry out the order and resigned. The Agent to the Governor-General protested. The Maharaja, however, yielded only so far as to commute the sentence to one of imprisonment for life. In the same arbitrary fashion, he condemned three other persons charged with Ganpat to long terms of imprisonment. The jails were "full of men who (had) undergone no trial by a constituted Court, but who (had) been sent to jail on unjust and frivolous pretexts by order of the Maharaja and without the advice or authority of his Minister or any of his officials. Hundreds of respectable persons (had) been expelled or had fled from the city. The Maharaja (had) made indiscriminate confiscations of property and levied unjust fines and penalties".

Remonstrances to His Highness having elicited only unbecoming rejoinders, and enquiry having proved that Govind Rao Bolia had died of natural causes, the Maharaja was required to release Ganpat and his three co-accused, to restore all property of Govind Rao Bolia attached by His Highness's orders, to cancel an objectionable notification in the Holkar Gazette concerning the case, and to tender a written apology for a particularly discourteous letter. After months of correspondence, the Maharaja complied with these conditions; but he declined to withdraw an order for the expulsion of these four persons from the State or to cancel two other objectionable notifications which he had meanwhile issued concerning the case. The Government of India decided not to present an ultimatum. The points at issue, though important because involving defiance

* Pro., Secret I., October 1895, Nos. 8-22.

to the orders of Government, were intrinsically small and likely to appear to the public eye insufficient justification for the deposition of the Maharaja, should he fail to comply. It was preferable to take the broad line that His Highness had failed to act up to his engagements of 1895, that he had proved his incapacity to be entrusted with full powers, and that the administration of the State required closer supervision and control than the Agent to the Governor-General could be expected to give. Accordingly, with the approval of the Secretary of State, it was resolved to appoint a separate Political Officer to Indore (recovering the whole cost of the appointment from the Darbar) and to restrict the Maharaja's powers by requiring His Highness to consult the Political Officer in all important matters, including capital sentences, to be guided generally by his advice, and to obtain his approval before appointing or dismissing the Minister of the State.*

* Pro., Secret I., August 1899, Nos. 24-101.

Bharatpur case, 1900.

§ 65 C. Shortly after his accession, Maharaja Ram Singh of Bharatpur exhibited such extravagance and intemperance that the limited powers at first entrusted to him (§ 436) had to be withdrawn. The administration was placed in the hands of a Dewan and a strict medical control was set over the private life of His Highness, until he improved sufficiently to be re-admitted to some management of affairs. In 1900 he shot a servant in a fit of rage. For this final offence he was deposed and interned under surveillance. It was at first proposed to forfeit also the rights of his issue, but on the representation of the local Political Officers that feeling in Bharatpur and in the other States of Rajputana would be against such a course, his infant son was recognised as his successor.*

* Pro., Internal A, August 1900, Nos. 284-297.

Foreign travel.

§ 74 A. A circular of 1900 reserves to the Government of India the sole power to sanction the visits of Native Chiefs abroad. A proposal of the kind must be submitted in detail at a reasonable time in advance, with the views of the Local Government for or against it. The following principles govern the subject:—Firstly, "repeated absences from India of Native Chiefs should be regarded as a dereliction, and not as a discharge, of public duty. Secondly, the visits of such Princes and Chiefs to Europe should only meet with encouragement in cases where the Local Government is convinced that benefit will result from the trip both to the Chief and to his people. In other words, the criterion of compliance should not be private convenience, but personal and public advantage. Thirdly, in cases where such permission is granted, a suitable interval of time should elapse between the return from travel and the submission of a fresh application for leave. Lastly, it should be the business of Local Governments, as it is of the Government of India in the case of the Princes and Chiefs under their direct charge, carefully to watch the effects of foreign travel upon character and habits, so as to be able to base their future recommendations not only upon general principles, but upon a careful study of the individual case".*

Customs facilities abroad.

Customs facilities, but not exemption from customs duties, are granted in England at the discretion of the Secretary of State in respect to the personal baggage of Ruling Chiefs of Native States in India, who receive salutes of ten or more guns. Similar privileges will be arranged, when possible, on the Continent.†

* Pro, Internal A, September 1900, Nos. 81-93.

† Pro, Secret I, July 1897, Nos. 62-65.
Pro., Internal A, May 1898, Nos. 208-213.

Add as a footnote to §79 :—

See also the Bhopal and Rewa cases (Pro., Internal A, January 1897, Nos. 8-11, and July 1898, Nos. 76-78).

Add to footnote 20 to § 99 :—

For an example (a bulk oil installation), see Pro., Internal B, September 1900, Nos. 162-163.

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§ 99 A. In 1899 revised mining rules were promulgated for British India, the main innovations in which are (1) to delegate to Local Governments the power to grant exploring and prospecting licenses, (2) to permit the grant of prospecting licenses and mining leases to Syndicates and Companies, as well as to individuals, and (3) to allow the assignment or transfer of such licenses and leases to Syndicates and Companies, if the Local Government is satisfied that the transfer is a *bonâ fide* transaction and that the transferee is a person or Company of substance who can be relied upon to fulfil the conditions and stipulations of the lease. Local conditions being so diverse in Native States, there could be no question of the adoption of one set of rules by all: but there, too, a more liberal and decentralising policy was introduced. In the interests of the States themselves it was impossible to relax the rule of 1891 that capitalists and financial agents cannot be permitted to enter into financial transactions with Native States without the consent of the Paramount Power. Any contemplated concession in respect to minerals must still be reported at the outset to the local Political Officer, and no mining lease may be concluded without the sanction of the Government of India. Decentralisation, however, has been introduced to the extent that, in States under the political control of a Local Government, negotiations with capitalists may be conducted through the Local Government who also may authorise the grant of exploring and prospecting licenses, merely forwarding to the Government of India a copy of the concession approved of, provided that any right conferred by such license to the grant of a mining lease of the area in question shall be expressly conditional on the final sanction of the Government of India. In the case of States under the direct control of the Government of India, negotiations with capitalists may be carried out through, and with the assistance of, the chief local Political Officer, namely, the Agent to the Governor-General or the Resident in the case of Mysore, Kashmir, and Baroda. But the terms of every concession, whether for exploring, prospecting or mining, must be referred for the sanction of the Government of India before the negotiations are completed. "Where a State has adopted in substance the British Indian rules, as is the case in Kashmir, or where like Mysore it has rules of its own which have been approved by the Government of India, this reference, provided the prescribed rules and forms of lease have been observed, will generally be of a purely formal character, as there is no desire to interfere unnecessarily, or to do more than obtain a statisfactory assurance that the rights and interests of the State concerned have been properly safeguarded". In other cases, Local Governments and Political Officers will take the British Indian rules as a general guide in their negotiations. "Where mining operations in a Native State are likely to be so extensive as to make it expedient for a Darbar to adopt a set of rules for the regulation of its mining policy, it is desirable that Local Governments and Political Officers should advise the Darbar either to take the British rules and forms of lease as a guide on all points of serious importance, or, as has been done in Kashmir, to adopt the British rules with such modifications as may be required by local circumstances. Absolute uniformity is not essential, and the chief points on which it is desirable that regulations should be framed are the imposition of reasonable royalties and rents, the limitation of the area and the

Mining Rules.

period in and for which concessions are granted, and the maintenance of so much control over transfers and assignments as will enable the Darbar to satisfy itself of the propriety of the transaction".*

Negotiations with capitalists generally.

The above relaxation was the sequence of the greater latitude which in practice had been allowed in the conduct of negotiations generally with capitalists. The Resident in Mysore had been told that "there is no objection to preliminary communications, provided that such communications are restricted to eliciting information; and, after a project has obtained the general approval of the Government of India, States may be authorised in particular cases to proceed to direct negotiation,† provided that the Government of India are kept informed of the course of events through the medium of the Political Officer in the State, and that it is understood that no conditions can be binding without the previous sanction of the Government of India. In the same manner, though the negotiations are concluded under the direct supervision of the Government of India, the deed embodying the transaction is drawn up and executed by the parties concerned, after having been submitted for the approval of the Government of India". The terms "capitalist" and "financial agent" include all persons, European and Native, except the subject of the State concerned: even in transactions with persons of the latter class, Government may require to be satisfied that a Darbar is not being placed in communication with capitalists outside the State.‡

Both Mysore and Hyderabad having questioned the right of Government, by treaty or otherwise, to regulate their dealings with capitalists, have been informed§ that this authority is the prerogative of the Paramount Power exercised in the interests of the States themselves.

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* Pro, Internal A, October 1899, Nos. 144-153.

† Instances are the Hyderabad-Godaveri Valley Railway (Pro., Internal A,), the Rewa-Sutna Railway (Pro., Internal A, May 1897, Nos. 17-23).

‡ Pro., Internal A, March 1899, Nos 25-41.

" " November 1894, Nos. 95-101.

§ " " April 1897, Nos. 56-58.

Sterling loans.

99B. The advantages of the Statute 37, George III, c. 142, Section 28, are immediately apparent from such cases as that of the Maharaja of Patiala, who in 1897 wished to borrow £84,000 from an Assurance Society in London, ostensibly to pay off a less favourable loan from an Indian bank. There was reason to suppose that His Highness had squandered large sums, and that the proposed loan would follow the same road. Sanction was accordingly withheld.* But States occasionally wish to borrow in England for legitimate purposes. This was particularly the case during the famine of 1899-1900. Apart from the political objections on the score of possible difficulties with the lenders (which, however, are much lessened if a State tenders Government paper as security,†) such a course would defeat the financial policy of the Government of India in the direction of encouraging the active use and investment of money already in India, hoarded and otherwise, and of forcing the European banks to increase their resources and to attract deposits. Such proposals were, therefore, negatived at first.‡ Subsequently, however, the financial arguments were waived§ in the case of small loans urgently required; and sanction was accorded to sterling loans, *provided that the lending bank or firm was established in India and under the jurisdiction of the Indian Courts* (thereby minimising the political difficulties), and that (for financial reasons) interest on guaranteed sterling loans should not exceed 4 per cent. The Government guaranteed "payment of principal and interest on due dates," and thus not only secured a lower rate of interest, but prevented the lenders from directly interfering with the States.‖

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* Pro, Secret I., June 1898, Nos. 4-11.

† *Cf* Pro, Secret I., June 1898, Nos. 4-11, and Internal A, April 1900, Nos. 168-170.

‡ Pro., Internal A, May 1900, Nos. 210-264.

§ K. W. to Pro., Internal A, September 1900, Nos. 251-266.

‖ Pro, Internal A, September 1900, Nos. 6-49.

Add as a footnote to the first clause of the Resolution of November 1882, quoted in § 120 :—

For a recent refusal to depart from this rule, see Pro., Internal A, February 1897, Nos. 223-225.

Add as a footnote to the second paragraph of § 120A :—

Government are bound to coin any silver tendered by Alwar or Bikanir unless the requisition exceeds a limit imposed under section 7 of Act IX of 1876 (*Pro., Internal A*, September 1897, Nos. 610-613 and 652-658).

120C. By July 1895, the conversion of the currency in the Bhopawar Agency was practically complete, except in the Indore and Gwalior districts, to which the reform did not extend. Similar measures had been taken in the two Dewas States, where the British rupee was made sole legal tender from the 1st June 1895, and it only remained to permanently fix the land assessment in that currency. Sirohi in Rajputana had also made progress in the same direction, the whole of the miscellaneous revenue and part of the land revenue being collected in Government rupees.* Towards the close of 1895, the principal States in the Western Malwa Agency (Rutlam, Jaora, Sailana, Sitamau and Piploda, in which the Salim Shahi rupee of Partabgarh had been current) followed suit, and fixed August 1896 as the date from which the land revenue would be received only in British currency; the latter had been made the standard coin from an earlier date in the case of miscellaneous revenue and private transactions.† In Parone, Bhadaura, Sirsi and Pathari, the British currency was introduced during 1896.‡

Further progress of currency reforms. States without mints.

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* Pro., Internal A, July 1896, Nos. 287-314. | † Pro., Internal A, March 1896, Nos. 105-123.
‡ Pro., Internal B, August 1896, Nos. 265-274.

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120 D. The depreciation of the Bhopal rupee and the refusal to admit the State to the benefits of Act IX of 1876 (§ 120 A) ultimately led to the substitution of British currency in Bhopal and the neighbouring States of Rajgarh, Narsingarh, Maksudangarh and Sutalia, in which the Bhopal rupee circulated. The case differed from those previously mentioned in that Bhopal, having a currency of its own, could only demonetize it by recalling it. To do so and with the bullion to purchase and substitute Government rupees would, in the appreciated state of the British currency, have involved a loss which the State could not meet. Nor could the Government agree, as was suggested, to exchange British for Bhopal rupees on the basis of returning the same amount of pure silver as received: the Darbar would thereby gain the difference in the appreciation of the two coins, whereas the corresponding loss to Government would not be covered by the appreciation of the British rupee which might possibly result from its wider circulation. The most assistance which Government were prepared to give was to exchange British for Bhopal rupees at the actual market-exchange rate, and that only provided the State agreed to make the Government rupee the sole medium of all transactions in the State. The Darbar would thereby gain the conversion of their coin at its appreciated (instead of its bullion) rate: after the conversion they would retain the value of this appreciation and secure the benefits of an improved coinage system. The Government, on the other hand, would lose over the exchange the difference between the appreciated value of the silver in the Bhopal rupees and the bullion

States with mints. Bhopal.

rate at which they could purchase the same silver in the market: but they were prepared to undergo this loss in consideration of the commercial advantage resulting to the trade of the country from the elimination of the Bhopal currency.* The Darbar having accepted these conditions, the exchange rate was calculated to be 124 Bhopal = 100 British rupees. The measures to be taken by the Darbar were explained as follows,† and are the standard lines in all such cases:—

Standard measures.

(1) The Darbar should issue a notification to the effect that they will receive (at specified depôts) Bhopal for Government rupees at the rate (fixed by Government for the conversion) up to a certain date, but no later.

(2) The Darbar should send to the Government of India the State reserve of Bhopal rupees in exchange for British rupees at the fixed rate and should continue to send in such rupees from time to time as received in the Bhopal Treasury.

(3) During the interval between the issue of the notification and the fixed date, either the importation of all coin except British rupees should be prohibited or a heavy import duty should be imposed on such coins.

(4) After the fixed date all State dues should be collected in British rupees and all State transactions should be conducted in the same coin.

(5) After the fixed date, only British rupees should be legal tender, legislation being carried out to ensure this with regard to private contracts.

(6) The Darbar should notify that "the laws and rules for the time being in force respecting the cutting and breaking of silver coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the silver coins of the Government of India in use in Bhopal territory, and the Bhopal State will defray the cost of cutting and breaking them".

Analysis of measures.

The time limit prescribed under head (1) must be restricted as far as possible, consistently with giving holders of State coin a fair opportunity of bringing it in for exchange, because "the Government cannot undertake the liability to exchange the local coin at more than bullion value for an indefinite time", and because the counterfeiting of native coin is easy and the risk of false coin being presented for exchange is enhanced the more the period of transition is prolonged.‡ Tenders of local coin must be exchanged for Government currency on presentation: payment may not be deferred till the local coins have been converted§. The stock of Government coin necessary to commence operations can be accumulated by the Darbar sending a portion of their reserves of local coin for conversion beforehand. When this is impracticable, Government will advance sufficient funds (to be repaid from the recoined rupees within a specified time) when the treasury balances so permit. In the case of Bhopal, the advance was made from the currency reserve, a special Act being passed for the purpose.

Act XI of 1897.

The charges under head (2) for the transmission of coin to and from the Mint will be borne by the State, and may not be recovered by levying a commission on tenders of local coin.‖

The object of the third measure, applicable whenever the currency of a State inaugurating a similar reform circulates beyond the limits of the State, was "to ensure that the Government of India shall take over only the Bhopali silver coinage actually current in the Bhopal State, which has agreed to make British Indian silver coinage the sole legal tender in future; and to prevent Bhopali rupees being re-imported from States, which are taking no part in the currency reform, merely to secure profit from the favourable rate of exchange".

Rajgarh, Narsingarh, Maksudangarh, Sutalia.

Bhopali rupees were the circulating medium in Rajgarh, Narsingarh, Maksudangarh and Sutalia. As the demonetization of that currency would involve

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* Pro., Internal A, January 1896, Nos. 128-135.
† Pro., Internal A, June 1897, Nos. 295-311.
‡ Pro., Internal A, May 1899, Nos. 95-104.
§ Pro., Internal A, October 1900, Nos. 136-146.
‖ Pro., Internal A, November 1900, Nos. 274-311.

those States in heavy loss, unless they participated in the conversion, they were given and accepted the opportunity of joining by undertaking the same measures as Bhopal to make British Indian the sole silver coinage of legal tender within their limits. Accordingly the importation of Bhopali rupees from those four States into Bhopal was unrestricted, while they in turn imposed an import duty of 20 per cent on all silver coin other than British Indian.*

Regarding head (4), there have been several discussions as to Darbars fixing a rate of exchange for the conversion of fixed payments to or by the State. The reply to Baroda† summarises the opinion of the Government of India, "that is to say, the action which they would themselves take if they stood in the place of His Highness's Government. They consider—

(*a*) That the State should regard itself as an ordinary creditor or debtor, as the case may be, and accept for the conversion of all debts, due to or from the State, the rate which is applied to the conversion of private debts.

(*b*) That the proper rate to take for this purpose is that fixed for the conversion of Babashahis (the local currency) into British rupees in the forthcoming operations, firstly, because it is highly improbable that any more favourable rate could ever again be 'normal', and, secondly, because the State, by compelling its subjects to exchange their stores of coin at the rate of $\frac{130}{100}$ (the conversion rate in this instance) or retain the coin as bullion only, is putting it beyond the power of its subjects to profit by any possible return to more favourable conditions".

"5. Holding these views, the Government of India feel obliged to decide that $\frac{130}{100}$ is the rate which ought to be applied to the conversion of tributes fixed in Babashahis under their guarantee". (But further consideration was promised of any objections the Darbar might bring forward.)

"6. As regards the conversion of other State payments, the responsibility must rest with His Highness's Government (who doubtless would) pay full regard to the interests of his subjects. * * * Even if payments to and by the State are now converted at the rate of $\frac{130}{100}$ or a rate as near to that proportion as may be convenient, His Highness's right as a ruling Prince to revise assessments and taxation will still remain. If it appears that, after the operations are completed, any State dues converted on this principle are capable of enhancement, it will of course be open to His Highness to undertake their revision. * * * But in carrying out what is merely a measure of currency reform, it appears * * * preferable to apply a uniform rate all round in the first instance and consider subsequently any question of revision of assessments. The adoption of a different course may lead to inequality and hardship".

The Bhopal Darbar, for instance, were permitted to re-adjust their payments of salary and the like as they should consider fair and proper. The land revenue demand was converted at Rs. 110 Bhopali = Rs. 100 British, *viz.*, the rate obtaining when the rents were originally fixed, the Darbar contending that these cultivators had no claim to benefit by the subsequent depreciation of the Bhopali rupee.‡

The following are examples§ of the legislation contemplated under the *fifth* head:—

On the expiry of (the conversion period) coinage shall cease to be legal tender in the State and the British Indian silver currency shall be the only recognised silver currency of the State.

No contract entered into in coin after the date of this notification shall be considered legal, nor shall any Court be competent to pass a decree on the basis of such a contract. (This clause may be omitted, but the next must be retained.)

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* Pro, Internal A, June 1897, Nos. 295-311.

† Pro., Internal A, November 1900, Nos. 274-311.

‡ Pro., Internal A, March 1898, Nos. 436-479.

§ *Cf.* pages 10 and 16 of K.W. to Pro., Internal A, November 1900, Nos. 274-311.

On the expiry of (the conversion period) 100 British rupees shall be accepted in lieu of (the conversion rate of) rupees in liquidating debts and in the execution of decrees.

On and after the (date of expiry of the conversion period) all payments between private persons [and all payments by or to the State] shall be made in British currency only and every person having a claim to receive money from another shall have the legal right to receive it in British rupees.

Bhopal conversion concluded.

After some delay, during which, however, the intended measures were notified and a prohibitive import duty was imposed on silver coin other than British Indian, the conversion of the Bhopal currency was carried out in four months from the 1st October 1897. Only 69,44,000 Bhopali rupees were tendered for conversion out of a total coinage of something over Rs. 1,30,00,000 since 1868. Of the remainder, 5 lakhs were supposed to be in circulation in other States and the rest had disappeared.*

Kashmir.

The conversion of the Kashmir silver coinage was first mooted in 1896. The British rupee was already the currency standard of the State, in which the accounts were kept and the land assessment was fixed: but it circulated to only a limited extent. The local Chilkis and Khams were the chief circulating medium. For all State payments they were valued at ten annas and eight annas respectively. But for private transactions, they exchanged at that rate only for small amounts within the State, and they had no exchange value beyond the State. The inconvenience to trade was consequently great. Not being prepared to exchange them, as the Darbar suggested, for an equal weight of silver in British rupees, the Government of India could only advise how best to deal with them as subsidiary coin, such as they had become. The actual value of the Chilki, at the current price of silver, was only $8\frac{1}{2}$ annas. But *it is by no means a necessity for a good currency that subsidiary coin should be intrinsically of its face value, provided it is sufficiently limited in quantity.* The difficulty in this case mainly lay in the redundancy of the Chilki. This, however, might be expected to dispappear with the closure of the mint, and it seemed likely that the exchange value of the coin would recover to 10 annas, provided the Darbar continued to receive and pay it at that rate.† The depreciation continued, however, and led the Darbar in the following year to apply for conversion on the standard lines, with the reservation of the right to re-open the State Mint after 50 years. The right was not likely to be pressed and was agreed to, provided that the consent of the Government of India would be required, *i.e.*, subject to such conditions as might then be necessary. The exchange value of the Chilki was fixed, on the average of the previous six months, at 5 per cent discount on 10 annas, or 100=Rs. 59: Khams were taken over at their proportionate value of $\frac{4}{5}$ths of a Chilki, or 100=Rs. 47 3 annas. The operation being on a small scale, the Darbar were able beforehand to convert sufficient coin from their reserves to start proceedings. As the local coin did not circulate outside the State, it was unnecessary to impose an import duty during the conversion period.‡

Navanagar. Radhanpur.

The conversion of the Radhanpur and Navanagar silver currencies was carried out on standard lines in 1900, with the assistance of small advances from the Government of India. The Radhanpur case is peculiar, because the local coin was appreciated in a higher degree than the British rupee, owing to the State reserve having withdrawn a large proportion of the currency from circulation. Thus whereas 100 British rupees contained as much bullion as $112\frac{1}{2}$ local rupees, they only exchanged for 102 of the latter. To have adopted the exchange rate for the conversion would have been a direct loss to the Government of India. They, therefore, agreed to coin the State rupees into as many Government rupees as the former would yield and to waive all coinage charges. In the interval, the financial exigencies of the famine led to the release of the local coin hoarded in

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* Pro., Internal A, July 1898, Nos. 168-172. | † Pro., Internal A, December 1896, Nos. 1-8.

‡ Pro., Internal A, November 1897, Nos. 41-55.

the State treasury, with the result that the exchange rate with the British rupee fell to $\frac{117}{100}$. The Government of India adhered, however, to their agreement, and, as they decided that the concession must be passed on in full by the State to its own subjects, tenderers of local rupees received payment at the rate of $\frac{112\frac{1}{2}}{100}$*. Navanagar also received a concession inasmuch as the koris, which constituted the local coin, were taken over at the rate of 435 to 100 British rupees, though the average market exchange for the three months preceding the conversion was $\frac{474}{100}$. At the current price of silver, the intrinsic value of the coin was 562 koris = 100 British rupees, the latter containing as much pure silver as 383 koris†. In neither case was the right of the State to re-open its mint reserved, but as the Radhanpur Chief was a minor at the time, the Government of India promised to consider the question on its merits should he raise it.

Jodhpur.

The conversion of the Jodhpur silver currency, consisting of Bijeshahi and Iktisanda rupees, was undertaken on standard lines in 1900, six months being fixed for the operation and the Government of India advancing Rs. 15 lakhs for the purpose. The rate of exchange for Bijeshahis was fixed at 110=100 British rupees, which was substantially lower than the market rate; for Iktisandas Government gave 100 British rupees for that number of them, namely, 150, which contained the same amount of silver as 110 Bijeshahis. Other coins of the Jaipur and Jaisalmer States were in circulation, but of course were not called in: they ceased to be legal tender from the date the operations closed. The right of the State to re-open its mints was not reserved, the Darbar's sense of *izzat* being satisfied with the right to coin gold for use on ceremonial occasions, but not as legal tender.

Baroda.

The discussions regarding the conversion of the Baroda currency have been quoted in the analysis above. With reference to the *fifth* measure there mentioned, the Darbar deferred fixing a rate for the conversion of private debts incurred previous to the announcement of the operations. The fact was regretted, but did not delay the general scheme. For the latter, the Government of India granted the favourable exchange of 130 Babashahis for Rs. 100 British. The market rate was $\frac{143\frac{1}{2}}{100}$: but this was due to abnormal causes; and as exchange might have recovered, the rate of 130 was offered rather than delay operations, which the Darbar were prepared to finance without an advance. The peculiar feature of the case is the treatment of the local currency circulating outside the State, which led to no maximum (*see* below) being placed on the Government offer of exchange. Babashahi circulated freely in the adjoining British districts‡ and Rewa Kantha States, and these were so interlaced with Baroda territory, that the Darbar would not be able to prevent re-importation of the coin for conversion (*see* the analysis above). The Government of India admitted the difficulty, and "at the same time would not be content with a scheme of conversion which, while substituting British for Babashahi rupees in Baroda territory, did not provide for the withdrawal on equitable terms of the Babashahi rupees circulating in the adjoining British districts". Otherwise British subjects would lose seriously by the demonetization of the coin. The Darbar repudiated responsibility, and the Government of India agreed to call up the Babashahis both in the British districts and the Rewa Kantha on the terms offered to Baroda. Consequently no limit was placed on the conversion at the favourable rate within the prescribed period. The operations were conducted simultaneously by the Darbar and the Bombay Government.

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* Pro., Internal A, October 1900, Nos. 147-150.

† Pro., Internal A, October 1900, Nos. 136-146.

‡ An analogous case is the circulation of the Orchha rupee in the Jhansi district. At the last settlement of the district, the rents in some parts were recorded in these "Gajashahi" rupees, whereas the revenue is fixed in British rupees. Consequently, with the depreciation of the Gajashahi rupee (which continued in spite of the closure of the Orchha Mint), the landlords' assets fell below the level contemplated at the settlement. Sanction was, therefore, accorded in 1899 to the substitution of the British for the Gajashahi rupee in the settlement records on terms fair both to the tenant and the landlord. The Agent to the Governor-General in Central India was at the same time authorised to point out to the Darbar the advantages which would accrue to the State from the conversion of its currency, and to intimate the readiness of Government to give all reasonable facilities towards carrying out the reform (Pro., Internal A, January 1900, Nos. 3-6).

§ 120 E. From the principles on which Government assist a Darbar to make the British rupee the sole currency of the State, it follows that their offer to convert the local coin at approximately the market rate can extend only to supplying the number of rupees reasonably sufficient for circulation. This number will be calculated from the population, the ordinary current circulation in British India being about Rs. 5 a head. But the Darbar can make no distinction between coin tendered for conversion, whether it was in circulation or has been withdrawn from hoards, nor can they limit the amount beyond guarding against the re-importation of coin: all genuine coin tendered must be converted into Government rupees at the advertised rate: and if the total received exceeds the amount which Government have agreed to take over, the Darbar must dispose of the difference as bullion after destroying it as coin. In the case of Jodhpur, the Government limit was two crores of British rupees. To Navanagar it was an important concession to agree to supply Rs. 40 lakhs worth, when Rs. 5 a head of population would aggregate only Rs. 21½ lakhs. The conversion of the Babashahi currency circulating in British districts and the Rewa Kantha is the most notable exception to the rule.

Restrictions on Government assistance. The maximum offer.

The opinion has been expressed* that the Government of India are not prepared to do anything for "minor States too small to have an exclusive coinage of their own. Their so-called coins are rather of the nature of the pieces of bullion, and, in many cases, the local trade is probably insufficient to establish a regular rate of exchange with the equally current British rupee. When the Darbars realise that their attempt to maintain a separate coinage is a mere inconvenience to trade, the simple remedy lies in their stopping coinage and buying up, and selling as bullion, their existing coin". Later discussions, however, indicate a more liberal attitude and that each case will be considered on its merits.

Minor States.

* Pro., Internal A, August 1897, Nos. 215-220.

§ 120 F. The conversion of the Gwalior currency* has special features. In 1898, the Darbar had three recognised coins, but with this peculiarity that the States dues were collected solely in the Hali rupee in Malwa, in the Gwalior rupee throughout the greater part of the Gwalior Division, and in the Chandori rupee elsewhere. The revenue of the State being much in excess of the expenditure, large quantities of coin accumulated yearly in the treasury. The Hali receipts alone returned fully into circulation, being paid by the Darbar to cultivators in Malwa for their opium which the State sold for British rupees in Bombay. The Chandori receipts were only partly disbursed in salaries and other State expenditure, and the Gwalior rupees still less. Consequently there was a continual drain of these two kinds of coin from circulation to such an extent that in 1898 the treasury held 120 lakhs of Gwalior and 141 lakhs of Chandori rupees, while the amounts of each circulating in the districts were estimated at only 14 and 22 lakhs, respectively. As a result, foreign coin flowed in to supply a circulating medium, for which purpose it was hardly less disadvantageous than the State coins, owing to the restrictions placed on the use of the latter for State payments in different localities. For the same reason, the State coins had no fixed exchange, *inter se*, to the disturbance of trade, and to the hardship more particularly of those who had to obtain the scarce Gwalior rupee, as best they might, to pay their State dues in that coin. To quote an instance of the fluctuations in exchange due to these causes, whereas, the Gwalior and Chandori rupees were of nearly equal value in February 1898, three months later they were as 3 : 4. The Maharaja was desirous of establishing the British rupee as the sole current coin in his

Gwalior.

* Pro., Secret I., January 1899, Nos. 22-31.

dominions; but the internal reform of the existing currency was a necessary preliminary to any assistance from the Government of India in this direction. The remedy suggested was that the Darbar should abolish local differences between the three kinds of authorised coin by declaring that any debt payable to the State in any one of them should be equally payable in any other of them, or in Government currency, at a fixed rate proportionate to the amount of pure silver in each, namely, 100 Hali=100·10 Gwalior=103·14 Chandori=93 British, which would allow a 5 per cent appreciation to the British rupee over the others. The Darbar's revenue receipts employed such a large proportion of the current coin that the current exchange throughout the State would doubtless soon assimilate to the fixed treasury rate; and, with the removal of the restrictions on State coin, foreign coin would be placed at such a disadvantage that it would gradually disappear from circulation sufficiently for the Darbar to be able to altogether forbid its use. This in itself would be a large measure of currency reform. Moreover, as payments to the State would continue to be made in State coin until the appreciation of the latter made it cheaper to pay in British currency, a considerable quantity of the State coin in circulation would be transferred to the State treasury (owing to the excess of revenue over expenditure) and the void in the circulation would be filled by British Indian rupees, there being no other class of coin, which, if it passed into circulation, would be of any use for the payment of State dues. When the three State coins had thus been established at a definite exchange with the British rupee as the currency of the State, the Government of India would be prepared to assist the Maharaja in the final withdrawal of the local coinage and the substitution for it of British Indian rupees on the standard lines. That is to say, provided His Highness should give up all right of coinage for the future, and should undertake to recall his local coinage from circulation and to meet in British rupees all payments due from his State, the Government of India would receive from him his local coinage and give him in exchange British Indian coinage at the above-mentioned rate of 93 British=100 Hali=100·10 Gwalior=103·14 Chandori. This offer would, however, apply to the circulating medium only (§ 120 E), and would not include the exchange of the hoards of coin in the State treasury. It was recognised, however, that the preliminary measures recommended, to the extent to which they would result in bringing British rupees into circulation, would be practically a recall of local and a substitution of British Indian coinage: and that the State would have the same claim to exchange for British rupees such amount of local coin as it had in the course of the preliminary operations caused to be replaced by British Indian coinage, as it would have in respect of any recall of local coinage which might be carried out in pursuance of the contemplated later agreement with the Government of India. Making allowance for this, the Government offer of British rupees in exchange for local coin at the time of its final withdrawal would be limited to Rs. 150 lakhs.

The Maharaja, however, was in favour of a more rapid scheme. The re-settlement of the districts hitherto assessed in Gwalior and Chandori rupees was then in progress, and offered, he considered, a favourable opportunity of fixing the revenue in British currency. The steps proposed by the Darbar were—

(1) to declare that, within these districts and from a fixed date, British rupees only would be accepted at the treasury in payment of the dues hitherto payable in Gwalior or Chandori coin;

(2) to announce a fair ratio based upon recent exchange, at which the Gwalior and Chandori rupees would be received at the treasury up to the fixed date and to offer to issue, up to that date, British rupees in exchange for Gwalior and Chandori rupees at the ratio so announced;

(3) to make State payments at once in British rupees only and not to pass any more Gwalior or Chandori rupees into circulation; and

(4) to provide the necessary funds by the sale as bullion of the Gwalior and Chandori rupees in the treasury.

The proposals were assented to, though, as was pointed out to the Maharaja, they would prove more costly than the measures proposed by the Government of India, because, on the one hand, His Highness would lose the Government offer to convert a portion of his coinage at more than bullion value, and, on the other hand, the bullion sales which he contemplated must lower the market price of silver.

It has to be noted, too, that under this scheme the British rupee has not been declared sole legal tender in Gwalior territory. For one thing the conversion of the Hali rupee has been deferred; the restriction of its circulation to Malwa permitted of dealing with it separately, and it was advisable to defer the operation in order to judge of the result of the other measures. Moreover, the conversion of the Chandori rupee is not complete. It is still current in Lashkar, the capital of the State, though the amount remaining is estimated at not more than 20 lakhs. The Darbar have, however, converted the whole of the balances of local coin in the State treasury by selling it as bullion in the open market and to the Government of India. Payment by the latter falls due in September 1901, when, with the British rupees which they will receive, the Darbar hope to complete the conversion of their currency both in Lashkar and Malwa*.

* Pro., Secret I., July 1900, Nos. 4-5.

120G. The case of Jhalawar and Kota resembles that of Gwalior in the insistence of the Government of India on the internal reform of the currency, by the expulsion of foreign coin, as the preliminary to Government assistance in the substitution of the British rupee. Prior to the deposition of Zalim Singh (§ 65A) Jhalawar possessed the right to mint. The local or Hali rupee was of slightly higher intrinsic value than the British rupee, but owing to excessive coinage the exchange value had depreciated to $\frac{111}{100}$. At the reconstitution of the State (§ 228 A) a portion of its territory, in which the Hali rupee was current, had been restored to Kota, which State also had a separate coinage of its own. In the territory remaining to Jhalawar, the Hali was the currency of only a portion, since in the districts known as the Chaumahla the revenue was assessed in the Bundi rupee, and the Ujjain (Gwalior) and Salim Shahi (Partabgarh) rupees were also current.* The Jhalawar Chief was desirous of substituting the British rupee as the standard coin of his State. But the complications of the existing currency, namely, the presence of the Jhalawar coin in Kota unless the Kota Chief desired a similar reform, and still more so the number of foreign coin current in Jhalawar, were held to debar the assistance of the Government of India. Both Darbars, therefore, were advised to establish their own coin as the sole native currency of their respective States. Kota could not repudiate the Jhalawar rupee in the restored tracts, but while continuing to accept the revenue in that coin, the Darbar might convert the receipts into Kota rupees. It might further declare that, on the expiry of the existing settlement of those tracts, the State would receive payments therefrom only in Kota or British Indian coin, and that no contracts entered into after a specified date in coin other than Kota or British Indian would be legal. Similar measures were to be taken by Jhalawar, with the addition of a heavy duty on the importation into the State of any silver coin other than Jhalawar or British Indian: but, as the right to mint had been withdrawn at the reconstitution of the State, the foreign coin could not be converted, as in Kota, but only expelled.† The advice was successfully followed. By 1900, only a few Jhalawar rupees remained in circulation in the tracts restored to Kota: the bulk had been recoined into Kota rupees, and the balance was in the treasury awaiting conversion. In Jhalawar all State dues had been converted into Hali rupees, and few

Kota and Jhalawar.

* Pro., Secret I., July 1898, Nos. 37-66. | † Pro., Secret I., January 1899, Nos. 9-16.

Salim Shahi or Ujjain rupees continued in circulation. The Bundi rupee, however, had found no outlet because it was current nowhere else, even in Bundi. It remained, therefore, in Jhalawar; but it was practically demonetized. It was not accepted by the State, and consequently for private transactions it had depreciated till finally it exchanged for less than the market value of the silver it contained, its low touch probably interfering with its sale as bullion. At this stage both States applied for assistance to convert their coinage into British Indian currency. Kota had found that its local coin, which was of slightly higher intrinsic value than the British rupee and had long exchanged with it at a premium, was rapidly depreciating owing to the hoards released by the famine and the excess of imports over exports. Jhalawar too had experienced a further depreciation of the Hali, with the additional difficulty that in the Chaumahla the Bundi rupee remained the circulating medium, since the Halis placed in circulation there by payments from the State invariably returned to the treasury in the shape of revenue. The Darbar wished, therefore, to recall both the Hali rupees, of which Rs. 10 lakhs were in circulation, as well as the Bundi rupees, of which there were 5 lakhs. The Government of India assented to the proposals. There was no difficulty in recalling the three currencies, provided the operations were simultaneously conducted in both States. There was really no need to recall the Bundi rupees, which were worth more to their holders as bullion than as coin. Nevertheless the Government of India agreed to take them up at $\frac{158}{100}$, which was equivalent to the market value of the silver they contained. For the other coin, the conversion rates were fixed at $\frac{114}{100}$ for Kota rupees, and $\frac{118}{100}$ for Jhalawar rupees, being based, as usual, on the average market rates for the last few months: the Government of India declined to take into account the artificial rate which Kota rupees had previously maintained owing to the retention in the State treasury of large sums which the famine had subsequently placed in circulation. Jhalawar was to give British rupees at these rates for all Jhalawar and Bundi rupees tendered by its subjects. Similarly, Kota was to give British rupees for Kota and Jhalawar rupees: for it would be inequitable to require Kota subjects to tender their coin in Jhalawar, and the Darbar would suffer no loss since they would receive the same number of British rupees from the Government of India. The limit of the Government offer was fixed at 74 lakhs for Kota rupees and Jhalawar rupees tendered in Kota, and was admittedly high "considering the population of Kota ($5\frac{1}{4}$ lakhs) and the total coinage since 1866 (1 crore) and the success with which a favourable rate of exchange was maintained for several years after the closing of the Government mints". The Government limit for Jhalawar rupees tendered in Jhalawar was 20 lakhs, which also was liberal seeing that the "heavy coinage (13 lakhs) since the closing of the mints (was) no doubt a principal cause of the depreciation of the Jhalawar rupee, and the State might fairly be required to make itself liable for this portion of the currency". For Bundi rupees the limit was fixed at 5 lakhs. For any sums tendered in excess of these limits, the Darbars would be responsible, except that (in order to save Kota any loss by the recall of Jhalawar rupees) in the event of the tenders in Kota exceeding Rs. 74 lakhs, the Government limit would be extended by the difference between the amount of Jhalawar rupees tendered in Kota, and the sum of those rupees previously in the Kota treasury. The remaining measures were on standard lines, Kota undertaking to close its mint permanently. Operations began in March 1901, Government advancing for this purpose Rs. 8 lakhs to Kota and Rs. 2 lakhs to Jhalawar.

The Salim Shahi rupee.

120 H. The Salim Shahi rupee furnishes the amplest example of the principles governing combined currency reform between States. This rupee was minted by the Partabgarh State, but also circulated in Banswara and Kushalgarh as the principal coin and to a less extent in Mewar, Dungarpur and Tonk. Partabgarh desired to substitute the British Indian for the local rupee, and

others of the States were in favour of a similar reform: but whereas Partabgarh contemplated only calling up the coin circulating in its territory, the other reformers presumed that the conversion of the whole Salim Shahi coinage would be undertaken by that State. The lines on which the question should be dealt with were indicated by the Government of India as follows:—"The general principle which applies to such a case is that a State is responsible only for the coin which is actually circulating in its own territory. The Partabgarh State, though it owns the mint from which the neighbouring States have drawn their Salim Shahi rupees, is at liberty, if it wishes, to prohibit the importation of the Salim Shahi rupees of other States, to recall those which are in its territory at the time and to declare that the Salim Shahi is no longer legal tender. The neighbouring States accept the coin of a foreign State at their own risk, and must bear the consequence if it is suddenly demonetized. The operation of this principle is seen in the converse case where a State which has hitherto freely accepted the coin of another State suddenly declares it to be no longer legal tender. This may seriously affect the State of issue which will be flooded with its own rupee returned from the States which have demonetized them. * * It is, however, right that other States should be given the opportunity of joining at their own cost in a scheme of currency reform initiated by a State of issue. Their association with the latter State will in no way prejudice it, while they will thereby protect themselves. If, however, any State holds a quantity of the currency to be recalled which is too considerable to be neglected and yet refuses to co-operate, it must be strictly isolated. The importation of coin into the territories of the neighbours who are bearing the cost of the scheme for their own benefit only must, if possible, be absolutely prevented. Thus the first question to be settled is what States now using Salim Shahi rupees are willing to bear the cost of exchanging the rupees in their territory for British rupees and what States prefer to stand out. If the second group is separated from the receiving treasuries of the first by such a distance as will of itself prevent the passage of coin from the one into the other, no difficulty need be apprehended. Again, if the second group is a small minority which uses only an insignificant number of Salim Shahi rupees, it can be neglected. * * But if this group accounts for a large part of the total circulation of the coin to be recalled, it will have to be considered whether importation from the dissentient States can really be prevented. If this is not practicable, the scheme may have to be abandoned till further experience of the evils of a depreciated currency brings about greater unanimity. The Government of India would fix a certain amount of coin which they would accept from each of the States engaged in the operation, while the latter would have to accept all the coin tendered in their territory whatever its amount. The fixed amount would be calculated on the basis of the population of those States only, without reference to the possible holdings of other States, and the operation would evidently be unduly costly if importation from the latter could not be prevented with a reasonable degree of success. * * There is no reason why Mewar and Dungarpur should not join in a scheme on these lines if they wish. It would no doubt be better if they decided to simultaneously recall the Udaipuri rupee (the standard currency), but if they do not, it might still be practicable and useful to recall the Salim Shahi in certain specified tracts where it is the principal currency. If this is done, the Udaipuri rupee as well as the Salim Shahi rupee should be declared to be no longer legal tender in those tracts, otherwise the Udaipuri rupee might compete with and possibly oust the British rupee from the locality in which it had been substituted for the Salim Shahi rupee".

Add to § 121:—

(17) *When a State with a recognised coinage of its own wishes to substitute British currency for it, the Government of India will be prepared to assist by exchanging British rupees for the local coin, at its approximate market exchange value, up to a reasonable limit representing the requirements for circulation, provided that the State relinquishes the right of coinage (either*

absolutely or for a term of years, subject to the consent of Government to the re-opening of the mint) and agrees to recall its local coin within a given time and to make Government currency the sole legal tender within the State.

(18) *In such a case, the recall of the local coin must be without limit as to amount, except that the importation of the coin from outside the State should be prevented. Tenders of it must be paid by the State on presentation in British rupees at the same rate at which the Government of India have agreed to exchange the local coin. Should the amount of local coin which the State receives during the operation exceed the limit which the Government of India have agreed to exchange, the surplus should be destroyed as coin.*

(19) *When declaring Government currency to be the sole legal tender, the State should fix the general conversion rate as the rate for the conversion of private debts and of State payments, which may be due in the local coin. If subsequently any State dues appear capable of enhancement, the State may re-assess them, but the revision should be kept separate from the currency operation.*

Add to §125:—

The importation into British India of rifles of ·303 bore and of ·450 or ·577 calibre of Snider and Martini-Henry patterns is absolutely prohibited.* Other rifles which are fitted for a bayonet or are sighted beyond 300 yards are also deemed to be rifles capable of being used for military purposes.† The sanction of the Government of India is required to their importation into British India, except that Maritime Governments may sanction their importation for *bonâ fide* sporting purposes, after reference to the Government of India in the Foreign Department when the consignee is a resident of a Native State.‡ No license to export arms or ammunition of any description into Native States may be granted without previous reference to the Political Officer of the State concerned§ unless the consignee is a European subject of His Majesty and a Gazetted Civil or Commissioned Military officer. The sale of arms and ammunition by Civil and Military officers and soldiers to persons in Native States is restricted as it is in British India.‖ Arms Rules have been introduced into the territories outside British India in which the British Government exercise jurisdiction, including all railways¶ in Native States over which jurisdiction has been ceded. They have also been adopted by Mysore and Baroda and by the States of Kathiawar** and of the Bhopal Agency.†† The Maharaja Sindhia was recently prepared to introduce regulations similar to the Indian Arms Act throughout the Gwalior State. The proposal was made simultaneously with other measures of military reform (§136 A), and lest it should be thought that the latter had been forced on His Highness the Government of India considered that the measure, though desirable in itself, should be postponed if likely to be seriously disliked by His Highness's subjects.‡‡

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* Letter from the Government of India in the Home Department, No. 903-912, dated the 20th February 1901.

† Pro., Internal A, September 1897, Nos. 456-458.

‡ „ „ B, July 1896 „ 183-185.

§ „ „ A, August 1899 „ 201-203.

‖ Para. 477, Army Regulations, India, Vol. II, Section VII (Pro., Secret F., August 1900, Nos. 55-67).

¶ Pro., Internal A, September 1897, Nos. 464-468.

** „ „ B, April 1900, Nos. 225-226.

Cf. also Foreign Department Notifications—
No. 4080 I., dated the 3rd December 1890.
„ 3573 „ „ 29th October 1895.
„ 507 I., „ „ 6th February 1896.

†† Pro., Internal A, July 1900, Nos. 69-70.

‡‡ Pro., Secret I., September 1898, Nos. 1-23.

Add to footnote 12 to § 127:—

The principle was re-affirmed in 1896 to Travancore and Rewa in spite of the special circumstances (§ 125) of Travancore (Pro, Internal B, January 1896, Nos. 162-163, and June 1896, Nos. 7-12).

Add to footnote 4 to § 131:—

Under this rule sanction was withheld to the employment of two sons of the Raja of Rajpipla with the Bhavnagar Imperial Service Lancers (Pro., Secret I., April 1896, Nos. 24-25). "Exception need not be taken to a Chief of a *minor* State offering to the younger son of a neighbouring Chief, especially if he is a relation, either civil employ or employ in his *local* military forces. If instances of such inter-State recruitment became numerous, the question might require further consideration" (Pro., Secret I., December 1897, Nos. 1-2).

Add to § 133:—

On active service.

"British officers will always have to be attached to Imperial Service troops in the field (to convey orders to the Native Commandant) to ensure that those orders are understood and acted up to, and that the necessities of the men are provided for".* "In case of non-compliance or marked incapacity on the part of Native Commandants, it would be the duty of the attached British officer to at once report the matter to superior authority, or, in the event of no such authority being accessible, himself to assume temporary command".† But there is no intention of placing British officers in regimental command on service, or in any way treating these troops as anything but States' troops.‡

* Pro., Secret I., November 1898, Nos. 22-36 (No. 30).
† Page 3 of K. W. to Internal A, October 1900, Nos. 207-239.
‡ Pro., Internal A, February 1898, Nos. 33-46.

§ 133 A. Discipline.

The disciplinary law for Imperial Service troops has to embrace four conditions of service, namely, (*a*) service in their respective States, (*b*) service in British India in time of peace, *e.g.*, at camps-of-exercise, (*c*) service in British India in time of war or revolt, and (*d*) active service beyond the frontiers of British India. By 1892, all Chiefs who maintain these troops had adopted practically identical regulations for their discipline. This met the requirements of the first case, but not, it was thought, of the others. It was true that on active service the power of the General Officer Commanding is absolute over all troops in his command, and that Imperial Service troops, when serving in British India in time of peace, are, in common with all other residents, individually bound by the Municipal Law of the country. Still, as regards the military law applicable to them outside their respective States, since they were not amenable to the provisions of the Army Act or the Indian Articles of War, they were only bound by the terms of their enlistment and the regulations of their respective States, and these last could only be enforced by their own officers. This state of affairs was considered to be subversive of discipline and dangerous to the efficiency of these troops. Two remedies were suggested, namely, either to bring the Imperial Service troops within the scope of the Army Act, or to declare with the consent of the Chiefs concerned that, when their troops serve outside their States, their regulations shall be applicable, and may be enforced by British officers, subject to the control of the General Commanding. The objection to the first course was that it would impair the character of the Imperial Service troops, and reverse the expressed policy of the Government of India to regard these forces as "States' troops proper", whose "control and management should remain in the hands of the Native Princes". There was, moreover, a political danger that any legislation on the subject would be looked upon with suspicion by the Chiefs. On the other hand, it was argued that to adopt the second course would be to admit the right, not previously recognised, of Native Chiefs to exercise extra-territorial jurisdiction, and would still require legislation to justify British jailors in carrying out the sentences and orders passed by British officers in virtue of their delegated powers. It was contended also that a British Commander on active

service should have legal authority for any action which events might require. Eventually, after reference to the Secretary of State, it was decided to adopt the second course and conclude agreements with the Chiefs concerned on the basis that (1) their troops when serving outside their respective States should be subject to the military laws and regulations of their States, (2) the said laws should apply the provisions of the Indian Articles of War *mutatis mutandis* (but without qualifying the scope and effect of the penal provisions) to the troops *when employed on active service* either within or without British India, and (3) the troops, when moved beyond the frontiers of their respective States, should be under the orders of the Officer Commanding the District, Contingent or Force in which they may be employed, and he should be authorised to administer their laws and regulations, convene courts-martial, issue orders, pass judgments and generally exercise the same authority as the authorities of the State concerned exercise when the troops are serving within their respective States, provided that, in peace time, the execution of any sentence should be carried out under the orders of the Chief concerned, or of some person to whom he delegates the requisite authority, and that, on active service, the provisions of the Indian Articles of War [then applicable under (2)] should be enforced under the authority of the Officer Commanding the District, Contingent or Force aforesaid. The object was "to retain in the hands of an Officer Commanding in the field unfettered power"; but "his power will not, except in cases of actual necessity, be enforced in supersession of the State's officers". Agreements were accordingly executed by the Chiefs of Jodhpur, Jaipur, Bikanir and Alwar. The form which they adopted raised doubts elsewhere as to whether it was the intention of the Government of India to supersede the Native Commandants of the troops in their regimental command when the troops serve outside their States. To remove this misapprehension, revised drafts were sent to the remaining States for acceptance. They had not been executed when the Imperial Service troops proceeded on service on the frontier in 1897; however, "little or no practical inconvenience was felt on that account", and it is believed that "the arrangement contemplated will prove to be sufficient"*.

* Pro., Secret I. { January 1897, Nos. 27-45. / July 1897, Nos. 107-109. / December 1898, Nos. 1-68.

Add as a footnote to the first sentence of § 134:—

Machine guns are included in this rule (Pro., Secret I., October 1896, Nos. 28-31). An offer by Gwalior to maintain a Mountain Battery for Imperial Service was refused in 1898 (Pro., Secret I., September 1898, Nos. 1-23).

Add to § 134:—

Artillery to be given for saluting purposes only.

"The supply of artillery to Native States" is strictly limited "to smooth-bore guns in numbers not exceeding their reasonable requirements for saluting purposes.*" On this principle, the wish of the Maharana of Udaipur to purchase "six 3-pounder guns, such as are carried by mule batteries, for service in the Bhil country should occasion arise" was negatived.† Similarly, complete artillery equipment was refused to Baroda for six guns with which the Darbar had been supplied for saluting purposes.‡ The rifled guns given to Kapurthala (§ 134) are without wagons and limbers: they cannot be used for field artillery and the State would not be permitted to equip them as such.§ Artillery instruction has been refused to the Raja of Chamba's gunners.‖

* Pro, Secret I, September 1897, Nos. 1-2.
† Deposit I., August 1896, Nos. 95-98.
‡ Pro, Internal B, August 1896, Nos. 222-225.
§ K. W. to Pro., Secret I., September 1898, Nos. 1-23.
‖ Pro., Internal A, July 1898, Nos. 266-267.

Add to §135:—

In special emergencies, such as a serious outbreak of dakaiti, suitable arms are occasionally lent to States for limited periods.*

* Pro., Secret I., August 1897, Nos. 78-83.

Classification and reduction of State Armies.

§136A. Steady influence has been brought* to induce States which maintain Imperial Service troops to reduce their local forces. The numbers and military value of the latter can now be more accurately gauged since the introduction† of the system of grouping State armies in the annual returns as "Imperial Service Troops" and "Local Military Forces". The second head includes only local forces who bear fire-arms and are clad in uniform and drilled. All other State employés are disregarded. Similarly, only those guns which are capable of firing shot are classed as serviceable. Gwalior furnishes the best instance of Army reform, and as the case has been referred to by the Viceroy (Lord Elgin) as "a most admirable precedent on which to work", the details‡ are appended. In 1898, after some preliminary proposals, the Maharaja Sindhia submitted a scheme of reorganisation on the following lines: (1) to reduce the State's local forces by three regiments of infantry and two batteries. The remaining infantry, numbering 5,600, to be formed into seven regiments, of which four would be armed with rifles sighted to 500 yards, and would be stationed at the capital of the State, while the other three would be armed with smooth-bore converted Sniders or with muzzle-loaders and would be employed in the districts; (2) to introduce throughout the State regulations identical with the Indian Arms Act; (3) to enlist all recruits (except Mahrattas) from within the Gwalior State; (4) to apply to the local forces the Imperial Service rules for the care, custody and inspection of arms and ammunition; (5) to obtain all ammunition from the Government of India, records of expenditure of ammunition being open to inspection; and (6) to adopt any further precautions which the Government of India might consider desirable. Obviously, these proposals embodied important reforms—*cf.* § 130 (3), (4) and (5)—but were open to question as regards the proposed armament—*cf.* § 135. In other words, how far should the "small and organised force" contemplated in 1874—§ 130 (3)—be treated as the "selected" forces of later developments? The question was debated in Council and the propositions stated elsewhere in this chapter were re-affirmed; namely, (i) the Imperial Service corps are the only State troops to be made into "real soldiers", and should satisfy the military ardour of their Chiefs, who are to be encouraged to take a personal interest in them, and to utilise them in every possible way within their States; (ii) the principles of 1874—§ 130—apply to States which do not maintain Imperial Service troops, and also to the additional force to be kept up (§ 136) by States which do maintain Imperial Service troops; (iii) the duties of these local military forces are the preservation of internal order with sufficient military display to maintain the dignity which Chiefs cannot lay aside; (iv) for these purposes rifles are not required, and it is essential to maintain the policy§ of not permitting the permanent supply of arms of precision and rapid fire to such forces or the police of Native States. The most, therefore, that could be done to meet the Maharaja's wishes was to supply him with 4,000 specially manufactured smooth-bore breech-loading arms of Snider pattern. This was an advance‖ on the smooth-bore muzzle-loaders usually supplied to States, and was a response to the reforms which the Maharaja was prepared to introduce and his friendly attitude generally.

Gwalior case.

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* For Hyderabad, see the Appendix in Pro., Secret I., May 1900, Nos. 28-52.

† Pro, Secret I., August 1897, Nos. 78-83.

‡ Pro., Secret I., September 1898, Nos. 1-23, and August 1899, Nos. 4-14.

§ *Cf.* Pro, Internal B, October 1897, Nos. 232-237.

‖ *Cf.* Pro., Internal B, February 1898, Nos. 143-149—for a refusal to supply smooth-bore breech-loaders to Mysore.

§ 141A. Many States have offered their Imperial Service troops for service, in Chitral, on frontier expeditions and in the Soudan. But in most cases the offers have been declined. "The Government of India sympathise with the very natural desire of the Chiefs that their selected troops should see service on small expeditions, but—apart from the risk of creating jealousy by giving preference to the forces of one or more States—their employment would necessarily deprive a portion of the regular army of profiting by experience and earning distinction in the field. It is essential to remember that the Imperial Service troops were specially organised to supplement the regular forces of the Empire in any great national emergency. *As a general principle, therefore, it must be understood that these troops will not ordinarily be employed otherwise than in maintaining the integrity of the Empire*, though individual offers for service on the frontier or elsewhere may be dealt with as the opportunity suggests". Places have been assigned to these corps in the general mobilisation schemes, but those attached to the 1st Division were not called up when the division was mobilised for the Chitral Expedition. It was recognised, however, that the refusal to utilise their troops, except in a contingency which in many quarters is regarded as improbable, might damp the ardour of the Chiefs on which the success of the scheme so largely depends. An assurance was, therefore, given that "the hearty co-operation of the Chiefs in promoting the efficiency of their forces has afforded much satisfaction and moral support to the Government of India, who have no doubt that these troops will, if and when the occasion arises, prove a real source of strength in the field. To maintain this co-operation and efficiency, so that the Imperial Service Corps may be fit to play their part in the defence of the Empire, *it is essential never to lose sight of the fact that they belong to the Native States. The authority of the Chiefs must not become nominal, and they must be encouraged in every possible way to utilise their troops within their own States, and to take a direct personal interest and pride in them*".*

Maintenance of the main principle.

Legitimate use.

It was in "legitimate service in their States" that the Kashmir Imperial Service troops were employed in the subjugation of Hunza and Nagar, and in the defence of Chitral, all three being dependent States of Kashmir. In other places, and to a less degree, Imperial Service troops have been used for State purposes and for State service in putting down local disorder†. That martial feeling has not been impaired will be shown below.

Transport trains have not the *éclat* of other corps, and are, therefore, not so popular‡ with the Chiefs who have joined the Imperial Service movement. But they have greater opportunities of seeing active service, as their employment does not entail the supersession of the regular army. Thus the Gwalior and Jaipur trains were utilised with excellent results in the Chitral Expedition and again in the Tirah Campaign. Such was the enthusiasm over the latter event that Chiefs in all parts of the country tendered the services of their troops. The occasion being that of an attack upon the frontier, "the Governor-General in Council resolved that the time (had) come when he (could) no longer decline the assistance so loyally offered by the Chiefs of the Punjab, or refuse to allow them to co-operate in the punishment of those who (had) made and (were) making persistent efforts to disturb the peace of the province".§ The infantry battalions of Patiala, Jind, Nabha and Kapurthala and the Sapper Corps of Sirmur and Maler Kotla were sent on service and acquitted themselves well. "The corps were quickly mobilised, fully equipped, with little aid from Government Departments. The men were steady under fire, and their endurance and cheerfulness under hardship or discomfort left nothing to be desired". The same spirit was abroad during the year 1900. The Transvaal war offered no field for Imperial Service troops, but their cavalry afforded a valuable supply of horses, which in many instances were tendered as

Transport trains.

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* Pro., Internal A, January 1897, Nos. 201-204. | † Pro, Secret I., November 1898, Nos. 22-36.

‡ In 1899 it was decided to replace the Bharatpur Imperial Service Cavalry by a Transport Corps (Pro., Internal A, May 1899, Nos. 304-311). A Transport Corps is also being formed in Mysore in fulfilment of an offer made in 1897.

§ Pro., Internal A, October 1897, Nos. 372-456.

a free gift*. Then the China war broke out, and there were numerous offers of troops for service. The fact was reported to the Secretary of State :—"Almost all the States which have thus volunteered the loan of their forces, maintain Imperial Service troops, that is, troops maintained, disciplined and equipped with a special view to taking part in the defence of India: and these troops we might at any time call upon to take their place alongside of the Indian army, to repel an invasion of Indian soil. The present movement is of an entirely different character. The Chiefs of Indian States are under no obligation to take upon their shoulders any part of the Imperial burden abroad. Nevertheless of their own free will they have expressed the desire to range themselves among the forces of the Empire. * * * We have taken into serious consideration the question whether it may not be possible and desirable * * * not merely to acknowledge publicly and with gratitude the devoted loyalty which has been displayed by the Rulers of these States, but also to accept and to select a force from the many troops thus placed at our disposal and to send a small brigade to China as representative of the support, both moral and material, which has been so abundantly proffered. We think there would be no small political advantage in thus showing to the world that India is united and loyal. We also think that absolute refusal might have a disheartening effect upon the Chiefs who have spent much in making their troops efficient and might check the general enthusiasm which has been evoked. * * * Should occasion arise for the despatch of an additional force from the Indian army to China, we hope that Her Majesty's Government may acquiesce in the addition to such force of a compact body * * * selected from the Imperial Service contingents". The proposal was accepted, and the Jodhpur Lancers, the Alwar Infantry, and the Bikaner Corps, who had not had a chance of distinction in 1897, were selected along with the Maler Kotla Sappers. The contingent was an addition to the forces selected from the Indian army and there was no question, therefore, of the latter being passed over†.

* Pro., Internal A, January 1900, Nos. 164-313. | † Pro., Internal A, October 1900, Nos. 207-239.

§ 141 B. Indore furnishes the only instance in which the total disbandment of Imperial Service troops has been considered owing to the Darbar's neglect of them. The Government of India considered that it might be "necessary to convey to the Maharaja a warning that the present state of affairs cannot be allowed to continue. The Maharaja may be reminded that he undertook voluntarily to provide these troops and be told that, if he desires to withdraw from his engagements, we shall offer no objection. But it should also be pointed out * * * that, if the Inspecting Officer's report is found again to be as unsatisfactory of late, the troops must be struck off the list of the Imperial Service * * * Much patience and great tact are required in dealing with States in which the Imperial Service movement may be adopted rather for display than in a spirit of genuine enthusiasm. We would neither force them unduly nor despair too soon of improvement, but rather deal with them sympathetically and patiently, determining, however, that, if by no means their troops can be brought to and kept at the requisite height of efficiency, they must eventually drop out of the numbers whose services are accepted for Imperial purposes".*

Disbandment of Imperial Service Troops.

The Bharatpur Imperial Service Cavalry having failed to attain a high standard of efficiency were replaced by a more serviceable Transport Corps, with the general consent of all concerned, and to the relief of the finances of the State.†

Disbandment owing to the strain on the finances of the State, was temporarily effected by Bhavnagar during the famine of 1900. A similar proposal,

* Pro., Secret I., November 1898, Nos. 22-36. | † Pro., Internal A, March 1899, Nos. 243-248.

but with permanent effect, as regards the cavalry of Jind and Nabha was met with the reply that it was likely to be attended with far-reaching consequences, that though there was no intention that Imperial Service troops should be a heavy burden on the States' economies might possibly be made with more propriety in other directions, and that Government wished to be assured of the real wishes of the Chiefs themselves. The difficulty was for the time adjusted by the acceptance of the majority of the horses for South Africa and the decision not to press States to fill the gaps during the famine*.

* Pro., Internal A { July 1900, Nos. 3-17. / October 1900, Nos. 151-173.

Add as a footnote to "Act III of 1864" in § 148:—

A "foreigner" is defined by the Act, and includes subjects of Native States (Pro., Internal A, February 1897, Nos. 357-358).

Add as a footnote to § 155:—

See now Section 11, Act XXI of 1879, as added to by Act V of 1896. The addition has not retrospective effect (Pro., Internal B, October 1896, Nos. 344-345).

The reciprocal extradition of deserters (other than officers) from Imperial Service troops has been arranged between Patiala and Kashmir, and Patiala and Nahan, and is under negotiation between the Punjab States generally *inter se* and with Kashmir (Pro., Internal, January 1900, Nos. 350-352).

A similar arrangement is in force between Alwar on the one hand and Patiala, Nabha, Jaipur, and Bharatpur on the other hand (Pro., Internal B, June 1898, Nos. 348-370), and has been recommended to the Kathiawar States (Pro., Internal A, October 1900, Nos. 125-128).

Add as a footnote to §162:—

Revised conventions have been concluded with Chamba and Faridkot with effect from the 1st October 1896, with Gwalior with effect from , and with Patiala, Jind and Nabha with effect from the 1st October 1900. Conventions were admitted to be anachronisms; but it was decided to adhere to the system in consideration of the length of time it had been in force and the fact that it had been adopted on Government initiative (Pro., Internal A, November 1896, Nos. 152-177), and only to introduce modifications on the principle of fair reciprocity.

Add to § 169:—

"In British India all compensation for houses, gardens, trees or crops is included in the cost of the land acquired for railway purposes and is borne by the Government: but it is the duty of the Engineer-in-Chief in a State-constructed line and of the Consulting Engineer in a Company's line, to see that standing crops are, if possible, allowed to ripen and be removed before the land is interfered with, and that land with valuable houses, &c., upon it is, if possible, left undisturbed. The Government of India reserve to themselves absolutely the right to fix the alignment of a railway * * The same principles must be held to apply with regard to railway lands in Native States".*

* Pro., Internal A, January 1898, Nos. 154-167.

Add to § 170:—

The rule does not apply to all quarries. In 1899, a claim of the Indore Darbar to levy royalty from Government on material quarried in the State by the Public Works Department was disallowed on the ground that it was opposed to long established local practice, that the roads for which the material was hoed were almost entirely of local importance, and that the Darbar had benefited substantially from their maintenance by Government.*

Other quarries.

* Pro., Internal A, March 1899, Nos. 226-242.

Add as a footnote to "the existing system" in the last sentence of the first paragraph of § 174:—

Jurisdiction has been ceded on the Hindupur branch and on the Kolar Gold Fields Railway (Pro., Internal A, October 1895, Nos. 152-189, and January 1894, Nos. 75-80), but remains with the Darbar on the Birur-Shimoga Railway which, though a branch of the main system, is treated as an isolated local line (Pro., Internal A, August 1899, Nos. 204-209).

Add to § 174:—

It was explained to the Nizam's Government in 1900 that "the fact of a feeder line running into a station of a through line does not render the acquisition of jurisdiction necessary when the feeder line is not of the same gauge as the through line, and does not form a junction with it.....The circumstances in which the necessity of bringing a local line under British jurisdiction has to be considered are when the local line (1) is actually joined to a railway over which the British Government exercise jurisdiction, (2) runs through or into British territory or the territory of any other Native State as well as that of the State in which it originates".*

* Foreign Department letter No. 756 I.-B., dated the 10th February 1900.

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§ 174 A. The Gaekwar retains jurisdiction on the Dabhoi* and the Mehsana† railway systems, and on a branch line from Kalol on the Rajputana-Malwa Railway to Vijapur.‡ All three lie wholly in Baroda territory: the two former connect respectively with the Bombay, Baroda and Central India Railway at Mazagaon and Vishwamitri and with the Rajputana-Malwa Railway at Mehsana. In each case, the retention of jurisdiction by Baroda is subject to reconsideration on the line being extended beyond the State and is conditional on the British Government's "right in case of emergency of taking such measures as may be called for by Imperial interests, *i.e.*, in case of necessity the British Government may assume complete jurisdiction on all or any of these lines".§ It was at first thought that the Vijapur branch would pass through the Mansa State, in which case both States would ordinarily be required to cede jurisdiction. A cession was obtained from Mansa, but was not insisted on from Baroda,‖ on the analogy of the Anand-Petlad Railway, which lies partly in British and partly in Baroda territory. At that time the Gaekwar retained

Other local lines. Baroda.

Anand-Petlad-Cambay Railway.

* Correspondence ending with Pro., Internal A, May 1895, Nos. 284-302.
† Pro., Internal A, May 1886, Nos. 71-77.
" " " July 1891 " 6-11.
" " " December 1900, Nos. 55-59.
‡ Pro, Internal A, October 1899, Nos. 114-119.
§ Pro., Internal A, June 1893, Nos. 221-237, and January 1895, Nos. 117-121.
‖ Pro., Internal A, January 1899, Nos. 120-123.

jurisdiction on the Baroda section of the Anand-Petlad Railway. The line has since been extended into the Cambay State, and jurisdiction has accordingly been ceded throughout the whole length in Native territory. In 1894, Baroda wished to construct a branch from Khijadia on the Bhavnagar-Gondal Railway: but abandoned the project rather than cede jurisdiction. The branch would have lain entirely in Baroda territory, but the Bombay Government objected to the retention of jurisdiction by the Gaekwar on the ground that it would add another jurisdiction to the many already traversed by the railway system of Kathiawar, that Baroda had been at the root of jurisdictional difficulties in that Province, that to grant the concession would increase those difficulties besides irritating the Kathiawar Chiefs from whom cessions had been insisted upon, and that, "in view of tariff questions and the possibility of ports being opened on the Baroda coast, the retention of jurisdictional control over all the Kathiawar Railways may prove in the future essential to the protection of British interests". The Government of India agreed that "Native States should not be allowed to construct lines in Kathiawar and retain jurisdiction over them independently of the general Kathiawar system".*

The various railways, which form the Kathiawar system here alluded to, are not local lines. Full criminal jurisdiction has been ceded in all cases, except in the Bhavnagar Dock estate where there is a small portion of the Bhavnagar-Gondal section: full civil jurisdiction has also been ceded in all cases, except the Bhavnagar-Gondal and the Jetalsar-Verawal sections, as to which there is a partial cession to the extent that suits arising out of the application of the Railway Act and suits respecting loss or damage to goods or injury to persons shall be tried in the Kathiawar Agency Courts.†

Jaipur.

Following the Udaipur precedent, Jaipur retains jurisdiction on the Jaipur-Chambal line, a branch to the Rajputana-Malwa Railway, but lying wholly in Jaipur territory, on the understanding that jurisdiction must be ceded in the event of the line being extended beyond the limits of the State or being connected with any other line which passes beyond such limits or if Imperial interests demand the cession. The Darbar have also to make adequate police and judicial arrangements for the line and to adopt the provisions of the Indian Railway Act, and the general rules made thereunder for British India. The remaining conditions are similar to those stated in § 175 with the addition that the provision of rolling stock, girders, and permanent-way for the line will be arranged for in communication with the Government of India.‡

Gwalior.

Jurisdiction over the Gwalior Light Railways from Lashkar to the Chambal* and from Gwalior to Sipri, a length of 125 miles connected with the Indian Midland Railway at Gwalior, but wholly within the State, has been left with the Darbar on the same conditions as those in the Jaipur-Chambal case.§

Cooch Behar.

The Darbar have been allowed to retain jurisdiction on the portion of the Cooch Behar State Railway in the State, because though the line extends a short distance into British territory, it is not likely to be further prolonged and can be treated without inconvenience as a local line. Jurisdiction must be ceded, however, whenever the Government of India consider it necessary.‖

* Pro, Internal A, October 1894, Nos. 155-162.
† For a history, see K. W. No. 4 to Internal A, January 1899, Nos. 144-157.
‡ Pro., Internal A, January 1898, Nos. 276-290.
§ Pro., Internal A, July 1897, Nos. 337-359.
" " May 1900 " 160-167.
‖ " " June 1901 " 37-51.

Extension of local lines by external agency.

§ 174 B. It has been debated whether external agency can claim to extend local lines. It was recognised that a State like Baroda, which refrains from extending its local lines beyond the limits of the State rather than cede jurisdiction, would resent an extension by external agency, and that, should such extension

be sanctioned, it might check railway enterprise on the part of the Darbar. It was decided, however, in the case of proposals to extend the Anand-Petlad Railway to Cambay and the Vishwamitri-Kanjat line to Broach, that, in the event of the extensions proving desirable on their merits, Baroda prejudices would not be allowed to stand in the way.* The Cambay project was subsequently approved. The Baroda Darbar preferred to construct the section of it in their own territory and ceded jurisdiction without demur.

* Pro., Internal A, September 1897, Nos. 555-564.

Add as a footnote to clauses (a) and (b) of § 175 :—

These inspections are to be made by Government officers and according to the rules in force for railways in British India. "On all railways in Native States the Governor-General in Council reserves to himself the power, among others, to prescribe inspections during construction and before and after a line is opened for traffic. Inspections during construction are made * * in order to make sure of the satisfactory progress of work, especially if there is delay in opening a line or the estimates are being exceeded. * * When a line is ready to be opened, the administration applies for it to be finally inspected. * * If the Inspecting Officer considers the line unready or unsafe for public use, he declines to recommend that it should be opened until the defects have been removed This final inspection and approval do not in any way release the railway administration from liability and responsibility in respect of the safety of the works, banks, bridges, rolling stock, &c, to which they have to certify. Inspections after a railway is opened are intended to ensure that the line is satisfactorily worked and maintained" (Pro., Internal A, November 1898, Nos. 393-398).

§ 175A. In 1895, a Hyderabad official, named Yusuf-ud-din, was charged with committing a criminal offence at Simla. The District Magistrate at Simla issued a warrant for his arrest addressed to the Resident at Hyderabad. The Resident endorsed the warrant to the Railway Police, and they arrested Yusuf-ud-din within railway limits over which jurisdiction had been ceded by the Nizam. Yusuf-ud-din applied to the Chief Court of the Punjab to set aside the proceedings as *ultra vires*, on the ground that the District Magistrate had no power to issue a warrant for execution within the Hyderabad State, nor the Residency authorities to execute it. The application was rejected, the Chief Court holding that the issue and execution of the warrant were valid, since the Nizam had ceded to the British Government full jurisdiction over the lands occupied by the railway, and by a notification under the Foreign Jurisdiction and Extradition Act the Governor-General in Council had applied the provisions of the Code of Criminal Procedure to those lands.

Yusuf-ud-din's case.

Against this decision Yusuf-ud-din appealed to the Privy Council, pleading that the proceedings were illegal and in violation of the sovereign rights of the Nizam and contrary to international law, notwithstanding the Act and notification relied on by the Chief Court. Simultaneously the Nizam's Government addressed the Government of India, claiming that jurisdiction within railway limits had been "delegated" and not "ceded" by the Nizam, that it was not "full" jurisdiction as stated in the notification, and that it therefore did not extend to cases occurring outside the railway offence.

It was recognised that the Chief Court's reasons for upholding the warrant had overlooked the distinction between the extension and the application of an Act of the British Indian Legislature (§§ 234 and 240). But in furnishing the Secretary of State with materials for the case for the Crown, the Government of India declined to accept the view that the Nizam had conceded anything less than full civil and criminal jurisdiction over the railway lands. The cession had been arranged by letters between the Resident and the Hyderabad Government. The Resident had asked the latter to "transfer to the British Government full criminal and civil jurisdiction over the railway lands and premises"; he had explained the results of such a cession, and he had pointed out that it would merely confirm to the British Government the jurisdiction

which in practice had been exercised by British officials for more than twenty years on railways in Hyderabad territory, and which had been ceded by other Native Chiefs over railways in their States. The Nizam's Minister had replied "His Highness's Government is willing to accede to the wishes of the Government of India regarding the criminal and civil jurisdiction along the line of railway as is the case on other lines running through independent States". In accordance with this understanding, the necessary arrangements for the preservation of law and order and the administration of justice were made and published by notifications, the preambles of which recited that "the Nizam has granted to the British Government full jurisdiction" over the railway lands in his territories. Section 5 of the Foreign Jurisdiction and Extradition Act, 1879, prescribes that such a notification "shall be conclusive proof of the truth of the matters stated" in it. The jurisdiction ceded was described in the notification as "full jurisdiction", because the Government of India regarded "full civil and criminal jurisdiction" as synonymous with "full jurisdiction". The terms had been so used in the case of other States and they had not objected; nor did the Nizam's Government object until the Yusuf-ud-din case. The term "full civil and criminal jurisdiction" was supposed to imply the "exclusive right, power and authority to administer justice and to legislate for such administration and the general practice of the Government of India in applying laws to the railway lands and in appointing Courts is in accordance with this interpretation". "We strongly oppose," the despatch said, "the idea that such cessions were or were not intended to be limited to railway purposes, or that they can be so restricted without seriously impairing the efficiency of the administration of the railway system. A cardinal object in obtaining such cessions was, by substituting British jurisdiction on all lines within the territory of Native States, to do away with the obstacles attendant on a multiplicity of jurisdictions in the pursuit of criminals and the execution of the decrees and processes of Civil Courts". The despatch went on to show that, "on railways in Hyderabad as well as in other Native States, the Courts established by the Governor-General in Council exercise the fullest jurisdiction over all classes of cases arising in those limits".

As further proof of the recognition of the severance of the Nizam's jurisdiction over the railway lands in his State, certified instances were adduced to show that it was the practice of the Nizam's Government, when they wished to obtain from that area any person charged with having committed an offence in Hyderabad territory, to apply to the Resident for his extradition, and that such applications were not infrequently rejected. Examples were also quoted of the custom of executing the processes of British Courts in Railway lands; but the Government of India were not disposed to argue the legality of the warrant for Yusuf-ud-din's arrest on this ground, because, though undoubtedly "the Governor-General in Council has the power in the exercise of the ceded jurisdiction to direct that the processes of other British Courts shall be executed within the railway limits over which jurisdiction is ceded both against persons who are foreign to the State ceding jurisdiction and also against the State's own subjects," such power had, in fact, not been exercised. They contended, however, that the warrant was tantamount to a demand for Yasuf-ud-din's extradition which the Resident, as the representative of the British Government, might grant either as standing in the place of the Nizam or as an act of State. [§ 542 (4)]*.

Judgment of Privy Council. Jurisdiction transferred depends on terms of cession. Interpretation of Nizam's cession.

The Privy Council eventually decided that the arrest was illegal on grounds which may be summarised thus:—A notification under the Foreign Jurisdiction and Extradition Act, 1879, conferring jurisdiction on British officers in Native territory cannot confer greater jurisdiction on such officers than is actually possessed by the British Government over such territory: the recital in such a notification that the British Government has acquired "full jurisdiction" over such territory is not sufficient proof of the fact, but the latter must, in a case in which the jurisdiction is alleged to have been acquired by cession, be

* Pro., Secret I., November 1896, Nos. 43-80 and 81-114.

determined by the terms of the cession: when the terms of the cession are not embodied in any one formal document, they must be deduced, as in the case of a contract, from the correspondence which took place between the parties: in the case of the Hyderabad State railway, there was no formal document of cession, and an examination of the correspondence showed that the jurisdiction ceded was "the Civil and Criminal jurisdiction along the line of railway": a criminal jurisdiction "along the line of railway," means jurisdiction in regard to offences committed on the railway* or in some way connected with the railway administration: accordingly the jurisdiction ceded by the Hyderabad State was not sufficient to justify the arrest of a person on the railway for an offence committed elsewhere and in no way connected with the administration of the line under a warrant issued by a Magistrate having jurisdiction in the part of British India where the offence was committed.†

* The heinousness of train-wrecking is the subject of a special circular, enjoining Local Administrations to secure deterrent sentences for the offence (Pro., Internal B, October 1897, Nos. 188-189).

† Pro., Internal A, January 1899, Nos. 144-157.

Maintenance of policy to obtain cessions of full jurisdiction on railway lands, but in a single document and in more precise words.

§175B. The Government of India observed* that this judgment had not impugned the sufficiency of a cession of "full jurisdiction" to give the British Government complete jurisdiction of all kinds, but that the deduction to be drawn was that cessions should be embodied in single documents setting forth in clear terms that "full jurisdiction" had been ceded. The Secretary of State agreed. "It is obvious," he said,* "that we cannot hope to obtain everywhere the position we may think most desirable, at least for a very long time to come. We have made concessions to many States which it would be most difficult to withdraw, and even in the case of new railways to be hereafter constructed, we can hardly hope to avoid at times giving up something. The matter is one in which it is inexpedient to bring any severe pressure on the States, if for no other reason, because it would be apt to disincline them to co-operate in the construction of railways, and it may be that the present is not a very favourable time for setting about anything like a general revision of arrangements. * * * I am disposed to think that *the only position that would be found completely satisfactory for us to occupy on those railway lands would be one under which, though the sovereignty would remain with the Native State, the exercise of all the powers of sovereignty would be vested in the Government of India.*" The Government of India had always thought and intended that the desired position could be secured by a cession of "full jurisdiction". But to place the matter beyond doubt, a form of declaration† has been prepared for execution by Native States uniformly. It recites that "I , of , hereby cede to the British Government full and exclusive power and jurisdiction of every kind over the lands in the said State which are, or may hereafter be, occupied by the Railway (including all lands occupied for stations, for out-buildings and for other railway purposes) and over all persons and things whatsoever within the said lands".

Local Administrations have been informed that "it is not at present intended to attempt any immediate general revision of all railway jurisdictional arrangements with Native States: but it will probably be advisable to take steps to secure a cession in the new form if and when any difficulties arise under the arrangements now existing. The new form should also be used whenever fresh cessions of jurisdiction are required in connection with the construction of new lines of railway or the extension of existing systems. In cases of new extensions, convenient opportunities will perhaps occur for revising the original cessions".‡

* Pro., Internal A, January 1899, Nos. 144-157. † Pro., Internal A, May 1899, Nos. 74-77.

‡ Pro., Internal A, May 1899, Nos. 74-77.

§ 175 C. The principle having been decided was forthwith applied to railways in the Punjab States. Through a misunderstanding the Patiala, Jind and Nabha Darbars had been allowed to exercise a measure of jurisdiction on the land occupied by the Rewari-Firozpur Railway within their States. On the Rajpura-Bhatinda Railway (§ 171) jurisdiction had wholly remained with the Patiala and Nabha Darbars. The line had originally been a branch wholly in Patiala territory: it was intended that jurisdiction should be ceded wherever the line should be extended beyond the State, *e.g.*, to Bhatinda, or be brought within the Imperial system: an extension was made to Bhatinda, but the cession was allowed to lie over until the line, which was on the standard gauge, should be linked up with the standard gauge system: the latter event was brought about by the construction of the Southern Punjab Railway. The Government of India were prepared to give every facility for the surrender from the Rewari-Firozpur Railway lands of criminals escaping from the States on the production of satisfactory evidence of criminality, but they insisted on, and obtained* from all the States concerned, a full cession of jurisdiction in the revised form on all lines, namely, the Rewari-Firozpur, the Rajpura-Bhatinda, the Southern Punjab and the Ludhiana-Dhari-Jhakal Railways. In reply to their pleas of the loss of dignity and the administrative inconvenience which would be caused by the cession, the Darbars were† told—"There can be no real loss of dignity in co-operating to secure the general good of the Empire. That this is the criterion to be applied may be demonstrated by the fact that no means of providing against breaks of jurisdiction on through lines of railway are capable of being devised except by exercise of the continuous jurisdiction of the Government of India. A belt of exclusively British jurisdiction traversing an insignificant section of any State cannot impair the police arrangements of that State to anything like the same degree than breaks in jurisdiction on a through line of railway must detrimentally affect the security and convenience of the travelling public in India".

Application of this policy in the Punjab.

Cessions of jurisdiction in the revised form have also been negotiated in respect of all railway lines in the Hyderabad State, subject, however, to the special proviso that "the British Government will not execute (within the railway lands) any criminal process against any person in (1) the public service of His Highness's Government, (2) His Highness's private service, on account of any offence committed or said to have been committed in any place other than on a line of railway over which the Government of India exercise criminal jurisdiction". A person "in the public service" is defined as a person who receives from the State a pay or *mansab* of not less than Rs. 100 a month. A person in His Highness's private service is defined as a person employed under His Highness's orders in attendance on His Highness's person in his palace, or employed under the orders of the Sarf-i-Khas Secretary in administering the affairs of the Sarf-i-Khas. There are also certain provisos relating to excise and customs revenue in the railway lands which will be noticed in § 175.‡

Hyderabad.

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* Correspondence ending with Punjab Government's letter No. 30, dated the 10th January 1901.

† Foreign Department letter, dated the 27th February 1900.

‡ Correspondence ending with Foreign Department letter No. 5467 I.-B., dated the 31st December 1900.

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§ 175 D. The question of police charges on railways in Native States was considered in 1895, with the result that the following orders were issued:—"In State territory, the advent of a railway does not exempt a Native State, any more

Effects of a cession of jurisdiction. Police.

than in British territory it exempts the supreme or any Local Government from the duty of maintaining law and order on any road, or in respect of any property, within the territory through which the railway is made. *Nor does the fact that the jurisdiction necessary for the discharge of this duty is, for the general convenience, exercised by the British Government, exonerate the Native State which cedes the jurisdiction from liability to pay for the service rendered.* The new factors which are introduced by the advent of the railway are that the ordinary duties of protection are largely augmented on the strip of territory occupied by the line itself, and that some of these duties, particularly duties of watch and ward, originating in the character of railway property and traffics, are such that they may properly be paid for as part of the working expenses of the railway".

"In British India all police charges on a section of a railway not open for traffic are defrayed by the Local Government or Administration through whose jurisdiction the railway is being made, on the principle that the duties of the police employed are then confined to the preservation of 'law and order' for maintaining which the responsibility rests with the Local Government or Administration. On open lines of railway, the practice generally observed in British India is to divide the police charges in the ratio of seven to three between the railway administration and the Government. This distribution of charge was made upon the basis of the number and cost of the police actually employed on the East Indian Railway, which was taken as the test railway, on the duties assigned to the railway administration and the State, respectively, as explained below. The duty and cost of dealing with offences committed within railway limits were accepted by Government: the duty and cost of keeping order at railway stations and of watching standing passenger trains, goods sheds, goods trains and railway buildings were accepted by the railway administration. For general convenience, all these duties were originally combined in a single police force, but subsequently it was found more economical to allow the Railway Companies to appoint, for the purposes of watch and ward, chowkidars, who could also be employed on other police duties. Enrolled police are, therefore, more chiefly used on the railways to maintain law and order, but when calculating the distribution of police charges, that term is held to include the chowkidar's establishments above-mentioned in addition to the enrolled police, and Government pay three-tenths of the whole cost as part of the ordinary police administration".

"The Government of India are of opinion that, in the case of railways in Native States, the same principles should be applied to the division between the charges of watch and ward, which are properly part of the working expenses of the railway, and the duties of the maintenance of law and order, which appertain to the duties of police administration. Accordingly in the absence of special reasons to the contrary, Native States have been called upon to bear all police charges which may be incurred during construction in respect of the portions of railways running through their territories. After such a line is opened, seven-tenths of the police charges, including under that term the charges for watch and ward as ordinarily defined on Indian railways as well as those of law and order, should be debited to the railway administration as working expenses, and the remaining three-tenths should be defrayed by the State or States through which the railway runs, in proportion to the length of line in each State".*

The position is not altered when a Darbar owns a line in another State. "The duty of maintaining law and order on a railway remains, irrespective of all other circumstances, with the State through which the line runs".†

These rules do not alter existing arrangements, and have no retrospective effect. States are to be invited to accept them, *at the time of ceding jurisdiction.* If a State does not agree, payment will not be *insisted* on, and the State share ($\frac{3}{10}$ths) of police charges will be borne by Government.‡ In the case of Mysore, the State share is, as a special arrangement, debited to the revenues of the Assigned Tract.§

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* Pro., Internal A, February 1896, Nos 125-130.
† Pro, Internal A, August 1896, Nos. 5-12.
‡ Pro., Internal A, August 1896, Nos 24-33.
§ Pro, Internal A, July 1898, Nos. 101-138.

"There is no objection to an arrest being made in an emergency by Darbar police, provided that the accused is at once made over to the Railway police. As a rule, however, the assistance of the Railway police should be invoked to seize an offender, and under no pretext should an accused person be removed from any railway limits, except under the authority of an officer empowered for the purpose by the (Local) Government".*

Arrests.

For convenience of administration, railway lands have been included in various general police districts created under Act III of 1888. Thus the lands occupied by the Bengal and North-Western, the Oudh and Rohilkhand, the Bareilly-Rampur-Moradabad, the Rohilkhand-Kumaon, the Indian-Midland, the Cawnpore-Achnera, the Delhi-Umballa-Kalka, the Bhopal-Ujjain, and the Guna-Bina Railways, including the portions which lie in Native States, are included† in a general police district, in which the Lieutenant-Governor of the North-Western Provinces discharges the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, and any other enactment relating to police for the time being in force. The lands occupied by the Ahmedabad-Prantij Railway, the Bombay, Baroda and Central India Railway, the Rajpipla State Railway, the Rajputana-Malwa Railway system (excluding the Cawnpore-Achnera Railway), and the Tapti Valley Railway are included‡ in a general police district under the Governor of Bombay in Council.§

General Police Districts.

The result of numerous discussions on the question whether a cession of full jurisdiction transfers fiscal rights is that such rights are held to be conveyed, but that, as a matter of policy, they will only be exercised to protect British revenue, as distinct from raising revenue in the lands to which the cession relates. In exercise of the right, the Opium, Salt and Abkari Acts were applied in 1885 to the sections of the Rajputana-Malwa Railway in Baroda and Palanpur, but with an injunction that the Acts were to be administered "with a view rather to protecting the Government revenue, than to deriving a revenue from the traffic on the line."‖ In pursuance of the policy, the application of the Income tax to railway lands in Native States was negatived in 1891 and 1894,¶ and a similar decision was passed in 1892 regarding the application of the Excise Act to the portions of the Indian-Midland Railway in Native States.** A decision of 1895†† that the Nizam had not surrendered fiscal rights on railway lands turned on the fact that the cession was of civil and criminal jurisdiction; by the terms of the revised cession negotiated in 1900, His Highness was allowed to retain "the right to receive, as he has hitherto received, the excise and customs revenue accruing on the said lands", and the British authorities will grant His Highness's officers the facilities hitherto allowed them to realise those revenues.‡‡ The legal position is now placed beyond doubt by the revised form of declaration (§175 B), whereby "full and exclusive power and jurisdiction of every kind" over railway lands are ceded to the British Government.

Fiscal.

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* Pro., Internal A, October 1899, Nos. 82-91 (No. 86).

† Notifications of the Government of India in the Home Department, No. 43, dated the 24th January 1896, and No. 294, dated the 5th June 1896.

‡ Notification of the Government of India in the Home Department, No. 83, dated the 11th February 1898.

§ For an analogous amalgamation under the Agent to the Governor-General of the police forces in Central India, other than Railway police, see the notification of the Government of India in the Foreign Department, No. 841 I.-B., dated the 1st April 1899.

‖ Pro., Internal A, May 1885, Nos. 51-54. In the Punjab "the Excise Act should not be enforced on the railway lands in Native territory except when required to control the consumption of, and traffic in, liquor at railway stations or to protect the excise revenue of British India" [Pro., Internal A, October 1899, Nos. 82-91 (No. 86)].

¶ Pro., Internal A, June 1891, No. 25, and July 1894, Nos. 60-66.

** Pro., Internal A, June 1892, Nos. 113-117.

†† Pro, Internal A, June 1895, Nos. 37-40.

‡‡ Correspondence ending with Foreign Department letter No. 5467 I.-B., dated the 31st December 1900.

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§ 183 A. The Morvi case referred to in § 183 had further developments. In 1894 it came to notice that the telephone from Morvi to Wawania, the retention of which as a private and local line had been allowed in 1885, was being

The Morvi case, 1895.

worked in connection with a tramway and had been extended for that purpose into the Malia State in anticipation of sanction. The extension contravened the conditions of a local line. The Government of India held, too, that a telephone used in working a public tramway, which carried passengers and goods on payment, could not be regarded as a private line. It was decided, therefore, that the Wawania and the Malia lines must either be dismantled or handed over at a valuation to the Telegraph Department. The Chief appealed to the Secretary of State. His Lordship agreed with the Government of India that the political reasons for retaining the general system of telegraphic and telephone lines throughout India under Imperial control and management are of high importance, and he disclaimed any wish to interfere with the general rules laid down on the subject. However, he considered those reasons to be hardly applicable to the case of a telephone line used exclusively for the service of a local tramway, so long as it is disconnected with any lines beyond a Native State's limits and in no way open to the public: and he desired that the Morvi Chief should be allowed, as a special concession, to resume the working of his telephone in connection with the tramway inside his own territory, on the express stipulation that he should conform in every other respect to the conditions which the Government of India might prescribe for preserving the line's private and local character.* This despatch led to a review of the policy in regard to internal communications in Native States, the desire being to grant as liberal terms as possible consistently with safeguarding Imperial interests. A plea was even put forward in favour of subsidiary systems to be open to the public and worked for gain, on the analogy of the railway telegraphs which exchange messages with the Imperial system and on the argument that Native Rulers should not be debarred from securing for their people the benefits of modern conveniences. The suggestion was, however, negatived by the Government of India on the grounds indicated in § 183, namely, that, apart from political considerations, efficiency and the public convenience require the centralization of the Indian telegraph system under the Telegraph Department (the railway telegraphs are under Government control), and that the acquisition by Native States of vested interests in local systems would hamper the development of the Imperial system and would lead to discontent if they were interfered with. The widest concession considered feasible was to generally adopt the Secretary of State's views with regard to telephone lines connected with tramways and to broaden the definition of "local" lines, so as to mean "within the State concerned" instead of, as previously, "within a restricted area, as for instance, in or around a town". No circular has been issued on the subject, but the principles to which the Government of India will adhere in dealing with applications from a Native State for permission to construct and maintain a line of telegraph or telephone, under the control of the Native State, have been summed up as follows:—

General principles.

(1) No line of telephone or telegraph shall anywhere be undertaken in a Native State without previous reference to, and the consent of, the Government of India, provided that this does not apply to a line of telephone which is proposed for construction within the enclosures of a Native Chief's personal residence.

(2) The Government of India reserve their right at any time to establish Imperial lines and offices in any Native State.†

(3) The Government of India reserve their right to take over any native line, after due notice and upon payment of capital value, and either to work the line themselves or to substitute another in its place.

(4) No lines constructed in a Native State, which have not been established or taken over by the Government of India as Imperial lines, shall be open to the public or worked for gain.

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* Pro., Internal A, November 1898, Nos. 411-413.

† Stated also in Pro., Internal A, November 1897, Nos. 148-150, as regards telegraph offices on railway lines on the analogy of Post Offices in §161.

A telephone line which is worked in connection with a tramway may be regarded as a private line, provided it is so used without messages from the public being received in the offices that deal with messages relating to the working of the tramway.

(5) The lines which a Native State is permitted to construct and control must be confined to the State to which they belong.*

In accordance with these principles the Morvi Darbar have been allowed to maintain their telephone on the tramway between Morvi and Wawania, and on the section of the Malia branch within their territory: but they have been warned that, if it is found that messages are received from the public in the offices on the line, the Government of India will exercise their right to take over the telephone, on due notice and upon payment of capital value, and either work the line themselves or substitute another in its place.*

Similarly Government negatived a proposal of the Chief of Gondal to construct a telephone between Gondal and Dhoraj, because the line would pass through territory of three other States.*

As a matter of procedure, any proposals to open telegraph offices in Native States in the Bombay Presidency are forwarded by the Bombay Government with their opinion to the Telegraph Department. It rests with the Director-General to apply for the sanction of the Government of India.†

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* Pro., Internal A, April 1900, Nos. 245-250. | † Pro., Internal B, November 1899, Nos. 387-388.

Add as a footnote to the last sentence of §185*A* :—

For the majority of agreements, see Pro., Internal A, September 1897, Nos. 659-687, February 1898, Nos. 457-519, May 1898, Nos. 220-225, and July 1899, Nos. 238-315. The Kathiawar Chiefs alone declined to execute the agreements, because of a clause reserving the right of Government to alter the rate of duty payable on any opium conveyed into the States or the proportion of such duty to be remitted or refunded. They overlooked the fact that, of the subjects included in the agreements, the prohibition of the cultivation, manufacture, export and import of opium was the right of the Paramount Power irrespective of any agreement on their part: that the duty in question was the fee for the permission of Government to the transit of opium through British India: that only in respect of their internal excise administration was any power recognized on the part of the Chiefs: and that it was as a reward for regulating that administration in conformity with the system of British India that Government were willing to pay them a portion of the duty on the opium supplied to them. Failing to proceed by way of agreement, it only remained for Government to prescribe, as an act of State, the regulations necessary for the enforcement of British rights and the protection of British revenue. The regulations were accordingly notified and jurisdictory Chiefs were required to publish and enforce them in their States. It was notified, too, that the British Government did "not intend to alter the share or proportion of the duty at present relinquished to the Chiefs so long as they loyally co-operate" (Pro., Internal A, April 1899, Nos. 116-123).

Add as a footnote to the last paragraph of § *185D* :—

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* A British Detective Agency for the detection and prevention of opium smuggling was appointed in 1896, and placed under the orders of the General Superintendent of the Thagi Department (Pro., Secret I., July 1896, Nos. 5-26). It was abolished in 1901, after it had ascertained the chief routes and methods followed by the smugglers. Local Administrations now undertake the necessary preventive measures in their provinces.

Add to footnote 1 to § *186 A* :—

Now cancelled (Pro., Internal A, October 1900, Nos. 205-206).

Add as a footnote to "1892" in § *187* :—

For later cases and renewals, see Pro., Internal A, February 1897, Nos. 173-176, and the counter-marked collections.

Add as a footnote to "British territory" in Clause II of § 226 :—

"They form part of the unassigned portion of the Porahat Estate which has been restored to Kumar Narpat Singh and his heirs. The indenture effecting that restoration duly guards the rights of the Thakurs of Kera and Anandapur" [Pro., Internal A, March 1899, Nos. 195-209 (No. 208)].

Add as a footnote to § 254 :—

15 A. The Government of India have declined to allow the Indore Darbar to levy *nazarana* or payments on the occasions of births or marriages in the Maharaja's family from inam lands in Nimar which were transferred to Indore subject only to a fixed quit-rent. The Darbar may, however, levy from such estates such cesses, *e.g.*, road and school cesses, as are by the custom of the country levied from all landholders, jagirdars or others, in consideration of particular advantages derived from the State which are not calculated in the assessment of land revenue (Pro., Internal A, October 1897, Nos. 333-340, and September 1899, Nos. 46-47).

Add as a footnote to § 259, clause (6) :—

* The rectification of the Khairpur frontier is an instance of sanction by the Government of India (Internal A, March 1901, Nos. 221-224).

Add to §264 :—

Agreement of 1897.

In 1894, it was brought to notice that, in the thirty years which had elapsed since the deep stream of the Mohan was accepted and surveyed as the boundary, the bed of the river had shifted considerably. There was nothing to show whether the changes had been sudden or gradual. The river was again surveyed in 1894, and sooner than undertake an enquiry into the past alterations, the Government of India were prepared to accept and demarcate, as the permanent boundary henceforth, the deep stream as it flowed in 1894, though this would entail the transfer of some valuable forests to Nepal. Finally, however, it was arranged, at the suggestion of the Resident, to fix a permanent boundary by drawing from the first to the last point, where the river formed the boundary in 1860, a series of straight lines intersecting the existing course of the river, so as to equalise the land on either side between the bends.*

* Pro., External A, January 1897, Nos. 195-218.

Add to § 267 A :—

A further representation was submitted in 1896 by the Nizam's Government fortified by high legal opinion which, while admitting the river to be the boundary, quoted (from *Lord* vs. *The Commissioners of Sidney*, 12, Moore's P. C. cases, page 487) as a limitation to the mid-stream rule, "when one State is the original proprietor and grants the territory on one side only, it retains the river within its own domain, and the newly-established State extends to the river only and the low water mark is the boundary". It was impossible to establish that the Nizam had meant to give up to the mid-stream of the river, though it could be shown that his acts were compatible with such an intention and that the British Government had intended to obtain a cession of that extent. The previous decision was, therefore, modified in accordance with the rule quoted above. The left margin of the deep-stream was accepted as the political boundary, and, as suggested by the Nizam's Counsel, the left edge of the water, as shown in the last survey map, was fixed as the boundary with regard to rights to minerals.*

* Pro., Internal A, May 1897, Nos. 68-102.

§ 267 B. Until 1864 the deep stream of the Indus for the time being was regarded as the boundary between the Khairpur State and the Shikarpur district of Sind. Subsequently, by the adoption of the principle that accretions belong to the bank to which they accrue, considerable alluvial land was added to the British side. The Shikarpur authorities further claimed all islands as permanently British. In 1899,* it being desirable to acquire an area in Khairpur territory for the headworks of the Jamrao Canal, the cession of the tract in full sovereignty to the Government of India was negotiated as the consideration for permanently fixing the Indus boundary at the centre of the deep stream as it flowed in March 1900, irrespective of the future action of the river. By this arrangement the Khairpur State acquired considerable alluvial land then in the possession of British subjects, and provision was, therefore, made in the agreement to safeguard the rights of private property on the transfer of jurisdiction.

The Indus frontier with Khairpur, 1900.

* Internal A, March 1901, Nos. 221-224.

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§ 271 B. In agreeing to refer to arbitration certain water disputes between the Punjab and Kashmir, the Government of India laid down two principles:—

Water disputes.

"(1) The arbitrator is to decide all disputes submitted to him with due regard to the custom of the country, to natural justice and equity and *to those broader principles of the law of servitudes which are recognised generally by civilised peoples: and*

(2) he is to proceed on the assumption that such of the rights of the landholders of the tract on our side of the line over the rivers, streams and water-courses, natural and artificial, in the tract on the Maharaja's side as existed at the time of the transfer of the latter tract to the Maharaja were not affected by that transfer".*

* Pro., External A, January 1895, Nos. 93-98.

Add as a footnote to "Article 9" in §279:—

The proviso that the necessary land shall be granted "free of charge" includes the public rights therein. It has not been determined whether the Darbar may be required to transfer the private rights also free of charge. Probably not (Pro., Internal A, August 1896, Nos. 167-174).

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§ 288 A. *The maintenance of the existing political system of India and the perpetuation of the governments of the several Chiefs are the declared and settled policy of the British Government.* Jhalawar furnishes a peculiar exception to the rule. When the Jhalawar State was created in 1838 (§ 300), it was granted by treaty "to the Raj Rana Madan Singh, his heirs and successors, being the descendants of Raj Rana Zalim Singh, according to the custom of Rajwara". In other words, as evidenced also by the contemporary correspondence, the devolution of the Chiefship was deliberately limited to the heirs by descent, natural or adopted, of Zalim Singh to the exclusion of collaterals. The Chief, who was deposed in 1896 (§ 65 A) was the last of such descendants, and by his deposition he forfeited the right of a Ruling Chief to adopt a successor. Consequently all rights vested in Zalim Singh's family by the Treaties of 1838 became extinguished. While resolved to continue native rule in the territories comprised in Jhalawar, the Government of India were precluded by the

The Jhalawar case, 1896.

circumstances of the case from maintaining the integrity of the State by selecting a successor to the Chiefship as is the usual procedure on the failure of direct heirs. The State had been formed in 1838 from—

(*a*) fifteen *parganas* of the Kota State;

(*b*) four *parganas* known as the Chau Mahla which Holkar had ceded in perpetuity to Zalim Singh by the Treaty of Mandisore, but which had been included in the Kota State in 1819 at Zalim Singh's request;

(*c*) the *pargana* of Shahabad, which formed part of the ancient family estate of Zalim Singh.

By the Treaty of 1838 between the British Government and the Maharao of Kota, the latter ceded these territories unconditionally to Raj Rana Madan Singh, his heirs and successors. But the contemporary correspondence proved that it was the intention of the Government of India and the Court of Directors that, on the failure of heirs being Zalim Singh's descendants, natural or adopted, the Chau Mahla should revert to the British Government and the fifteen Kota Parganas to the Kota State. When, therefore, the contemplated circumstances came to pass in 1896, it was resolved to restore Kota's rights or their equivalent. In respect to the remaining territory, the British Government were at liberty to make such arrangements as political expediency might dictate. It was decided to create therefrom a new State, and grant it to a selected member of the Kota branch of Zalim Singh's family, thus maintaining native administration, endowing that family and providing for the Jhala nobles who might be opposed to inclusion in the Kota State.* But, in order to secure for the new State a compact territory having Patan (the former capital of Jhalawar) as its head-quarters, the Shahabad *Pargana* was exchanged for an equally valuable portion of the Kota Pargana. With this rectification of boundaries, the Chau Mahla, the Patan Tahsil and part of Suket constituted the new State, and the remaining territory reverted to Kota. Private rights were carefully maintained. The restoration to Kota was subject to the continuance of certain jagirs and charitable grants aggregating Rs. 1,02,000 a year, and to the obligation to receive in Jhalawar rupees (until they should be withdrawn) the revenue of any portion of the transferred tract in which that coin was the recognised currency. On the other hand, certain Jagirdars in Shahabad objected to being transferred to Kota. Accordingly their holdings were resumed and credited in the exchange value of the *pargana;* and they were indemnified by fresh assignments of land in the new State. The tribute of Jhalawar was readjusted between Kota and the new State proportionately to the areas which each received. Various other charges, such as the maintenance allowance of the ex-Chief and the pensions of Jhalawar servants, were apportioned in the same manner. The remaining arrangements presented comparatively little difficulty. In selecting a Chief for the new State from the Kota branch of Zalim Singh's family consideration was paid, firstly, to personal capacity, and, secondly, to the wishes of the nobles and people. Bhowani Singh was chosen and was installed as Raj Rana. The title and the retention of 'Jhalawar' as the designation of the State were concessions to popular sentiment. There had been some idea of marking in these matters the severance of all connection with the past. This, however, was sufficiently emphasised by the reduction of the salute (from 15 to 11 guns) attached to the new Chiefship and by the procedure adopted in reconstituting the State. Following the Mysore precedent and more recent practice, the grant was embodied in a *Sanad* from the Viceroy. The preamble† reciting the circumstances marked very clearly the fact that the State was a new creation, and not a revival of the original State of the same name. As a result, all treaties made with Jhalawar had become extinguished. Accordingly only such of their provisions as it was desirable to retain were reproduced in the body of the *Sanad*, and the opportunity was taken to remove various difficulties. Thus a clear proviso (*cf.* §332) was inserted on the subject of successions which were assured to the new Chief's "*lineal* descend-

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* Pro., Secret I., November 1896, Nos. 1-42.
" " July 1897 " 1-57.

† " " October 1898 " 10-34.

ants, by blood or adoption, according to the custom of succession recognised in Rajputana, *provided that in each case the succession is approved by the Government of India*". Again, in lieu of the obsolete extradition agreement, it was provided (as in the case of Mysore) that the processes of any British court in India shall be executed in Jhalawar, leaving extradition from British India to be governed by the law for the time being in force there. Other stipulations withheld the right to mint or to levy transit duties.*

* Pro., Secret I., April 1899, Nos. 13-42.

Add to footnote 8 to § 298 :—

For an account of subsidiary administrative arrangements, see the K.-W. to Proceedings, Internal B, April 1897, Nos. 381-396. By Article 5 of the Agreement of 1812 (Aitchison, Vol. VI, p 338), the Chiefs are bound to accept the arrangements, including the provision of funds, made by Government for the exercise of jurisdiction.

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302 A. In 1895,* the Chief of Jasdan in Kathiawar wished to abdicate and divide his State among his sons, on the ground that partition was the rule in Kathi States, and that the proposed procedure would prevent disputes such as might arise if the partition were postponed till after his death. Partition had been the ancient custom in Kathiawar. Jasdan itself had been divided on the death of the Chief in 1852, though the shares had been subsequently re-united in the present Chief on the death of his only brother without male issue. Kurundwar (§ 302) furnished a similar instance; and it was understood that the partition of Katosan (§ 298) would have been sanctioned in 1884, had division been the custom of the State. Accordingly, while concurring in the general principle as to the inexpediency of the partition of Native States, "and the consequent dwindling of native jurisdictions in this country", the Government of India felt that they must advise the Secretary of State to accede to the Jasdan Chief's application which was supported by the Government of Bombay. His Lordship, however, observed† that the previous instance of partition in Jasdan occurred "not only six years before 1858, when the policy of the British Government changed, but also twelve years before Sir Charles Wood decided in his despatch No. 54, dated the 31st August 1864 (§ 201), that the Kathiawar estates were Native States, and that it was not our aim to undertake the internal administration of Kathiawar. The precedents.....of Jetpur and Kurundwar.....were divisions of estates and jagirs, and.....when they occurred, their holders had not been formally recognised as Ruling Chiefs of Native States.....If Jasdan (was to be) dismembered, merely because on one occasion before 1858 it was divided, it would be difficult to resist a demand for partition.....on the part of the five Patwardhan States in the Deccan and of many other States which can show in the past one or more instances of partition". His Lordship was "reluctant to see the only Kathi State of Kathiawar disintegrated, and a course adopted which had hitherto been considered to be politically inexpedient". A further report from the Government of Bombay showed that, except in Jetpur, where the principle of partition was accepted before Kathiawar was finally held to be foreign territory, instances of partition had been singularly few in Kathiawar since 1858, and that, in the opinion of the Bombay Government, the custom was not so deeply rooted there that Chiefs would not be willing, on an order from without, to set it aside in favour of primogeniture if they could be spared thereby the inconvenience of family dissensions. In the Patwardhan Jaghirs, also, the moment was favourable for the immediate adoption of primogeniture, as the majority of those Chiefs had not more than

The Jasdan case, 1895. General principles as to partition.

* Pro., Internal A, February 1896, Nos. 89-94 (No. 93). | † Pro., Internal A, June 1897, Nos. 82-85 (No. 82).

one son. Under these circumstances, the Government of India recommended* that, ancient custom notwithstanding, jurisdictionary States should thenceforth be protected from dismemberment. Non-jurisdictionary States had already lost the dignity and the position which it was the object of the present proposal to maintain, and the holders of such States could not as a rule afford to grant to the younger members of their families the maintenance which the system of primogeniture involves. The Government of India, therefore, saw no advantage in extending the principle to them, and the Secretary of State agreed that in such cases there would be no necessity to interfere with any established custom of partition.

For jurisdictionary States no absolute rule has been laid down. Integrity is the general principle, and the Secretary of State apprehends little difficulty in upholding it, as the precedents for dismemberment are so few. These were held not to be sufficient reasons for making an exception of Jasdan, and the proposed partition was negatived.†

* Pro., Internal A, June 1897, Nos. 82-85 (No. 85). | † Pro., Internal A, September 1897, Nos. 580-581.

Add as a footnote to "entitled to a hearing" in the penultimate paragraph of §315:—

The State of Basoda is on a special footing. On the death of the last Chief, the Gwalior Darbar, as the superior State, were informed that the Government of India were prepared to recognise the deceased's eldest son unless the Maharaja Sindhia had any objection to offer. Previously the Gwalior Darbar had settled all questions of succession in Basoda without any intervention from Government (Pro., Internal A, January 1897, Nos. 14-19).

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§ 332 A. The Bijawar State in Bundelkhand possesses an adoption *sanad* in the usual form (§275). In 1897 the Maharaja having no son, adopted Sawant Singh, the younger son of the Chief of Orchha, and applied for recognition of the adoption. The Agent to the Governor-General, regarding the matter as one of policy and expediency and anticipating no objection on the score of the boy being the son of another ruling Chief, or because the adoption had been made without previous reference, supported the application. Among the collateral branches of the Bijawar family there was only one candidate fit to be recognised as heir to the Bijawar *gadi*, and owing to a family feud, the Maharaja refused to adopt him. The Agent to the Governor-General testified to the personal fitness of Sawant Singh, and considered that his adoption fulfilled the conditions of the *sanad* as being in accordance with Hindu Law and the customs of the Maharaja's race. Lord Elgin's Government agreed (reference was made in the discussion to the Secretary of State's ruling in the Pudukota case § 330) and authorised a communication to the Maharaja that "the Government of India accept Sawant Singh as His Highness's heir-designate, who will succeed, provided no legitimate heir is hereafter born to His Highness".* Sawant Singh having passed entirely into the family of his adoptive father, the possibility of his succession to the Orchha State was expressly precluded.

The Bijawar case, 1900.

The Maharaja died in 1899,† and sanction to the succession of Sawant Singh was applied for. His unpopularity was manifest however, and this led Lord Curzon's Government to consider whether his adoption to the exclusion of collaterals of the late Chief had been justifiable.

A review‡ of the correspondence showed that, when the Maharaja first mooted the question of adoption in 1891, he "thought of adopting a complete outsider": but realising "that an outsider was possibly inadmissible", he had reviewed the collateral branches of his family. These were four in number,

* Internal A, July 1898, Nos. 219-225. | † Internal A, April 1900, Nos. 159-167.
‡ Notes in Internal A, April 1900, Nos. 159-167.

namely, Lakangawan, Bhagwan, Kupia and Silon. The Lakangawan branch was the nearest related to the Chief, but he entertained a rooted aversion to their representative, Harbans Rai, because of family disputes which would, he thought, result in injustice to his own family after his death, should he adopt Harbans Rai. There were other objections to the representatives of the second and third families, and the Chief accordingly proposed to select Baldeo Singh of the Silon branch.

In 1893 he announced that he had made this selection and applied to the local officers for the sanction of the Government of India. In 1894 the Political Agent addressed the Maharaja in a *kharita* in which he said "it has been represented to me that Your Highness should, in accordance with the custom of the Bundela families, adopt from the more nearly related branch of Lakangawan", and asked for precedent for the adoption of the son of a more distant, in preference to the son of a nearer, branch. The Maharaja advanced precedents and arguments to show that his proposal was in accordance with Hindu Law and Bundela practice. Nevertheless, successive Agents to the Governor-General continued to press the claims of the Lakangawan branch. Thus, Mr. Crosthwaite told the Chief that he would have to show good reason for passing over Harbans Rai and his son; and Colonel Barr, while promising to submit Baldeo Singh's name to the Viceroy if the Maharaja persisted in adopting him, still indicated to the Chief the probable unpopularity of the selection, and pointed out that the personal objections to Harbans Rai had been removed by the death of the latter, leaving a child who might properly be adopted by His Highness. The Maharaja persisted in his refusal to adopt from the Lakangawan branch, and shortly afterwards (Baldeo Singh having personally proved a failure) announced the adoption of Sawant Singh. Colonel Barr, when reporting* the fact, had expressed the opinion above stated that the adoption was within the terms of the *sanad;* but the Political Agent was doubtful whether the collaterals had not valid grounds of objection, and closer enquiry† showed that a precedent (Datia),‡ which Colonel Barr quoted to prove that the custom of Bundelkhand families does not preclude adoption from outside the family to the exclusion of a collateral, was in reality a case of a Chief adopting his illegitimate son with the consent of his next-of-kin. There were obvious disadvantages to interfering with the officially recognised claims of Sawant Singh, who moreover had performed the funeral ceremonies of the late Maharaja. But the case would form an important precedent: its previous history indicated doubts on the part of local officers as to the rights of collaterals; and Brandreth's Treatise, with notes by Colonel Brooke, which is the standard authority on adoption in Rajputana, contains passages favouring the adoption of the nearer relative. It was decided, therefore, to obtain the orders of the Secretary of State, and advantage was taken of the occasion to also refer the question whether the Chief of a State is at liberty, in virtue of his adoption *sanad*, to adopt the son of another Chief. The consensus of opinion was in favour of recognising Sawant Singh, and the Secretary of State agreed.§ He considered that there were insuperable political objections against cancelling the adoption made by the Maharaja and confirmed by the Government of India, unless the incompetency of Sawant Singh were established. His installation was therefore carried out.‖

On the issue whether the assurance given by Lord Canning's *sanad* to the Chiefs of Bundelkhand empowers a Chief to pass over collaterals and to adopt a successor outside his family, His Lordship delivered¶ himself thus—

The setting aside of collaterals.

"A condition is annexed to the *sanads* of adoption, which requires that the adoption of a successor by a ruling Chief should be in accordance with Hindu Law and the customs of his race. The necessity, which thus arises for satisfying itself that the condition is fulfilled, enables the Government of India to consider the circumstances of each case and any personal claims which may be put forward before confirming the proposed adoption. Thereafter contingencies may arise—such as did occur in Jamnagar, when a natural son was born to His Highness the Jam subsequent to adoption, or they may be due to the conduct or character

* Internal A, July 1898, Nos. 219-225.
† Notes in Internal A, April 1900, Nos. 159-167.
‡ Aitchison, Vol. V, page 11.
§ Internal A, July 1900, Nos. 18-21.
‖ Internal A, December 1900, Nos. 12-15.
¶ Internal A, October 1900, No. 1.

of the adopted son, as in the case of Gwalior—which require that other arrangements should be made; and the necessity for a further reference to your Government on the occasien of the death or incapacity of the ruling Chief affords a final opportunity for considering the position. Subject, however, to these considerations, the general question just stated admits of a general reply. Before the *sanads* of adoption were given, the limitations and the difficulties of Hindu Law in its bearing upon Chiefships were constantly experienced, and were discussed by Lord Canning in paragraphs 20 and 21 of his letter to the Secretary of State, No. 43(*a*), dated the 30th of April 1860. In respect of the Chiefs of Bundelkhand, Lord Auckland in his Minute, dated the 2nd January 1842, referred with approval to a letter from Sir Charles Metcalfe of the 28th of October 1837, and held that the Raja of Orchha was entitled to exercise his own discretion in making an adoption, provided only that it was regular and not in violation of Hindu Law. This view was communicated to the Government of the North-Western Provinces in Mr. Maddock's letter No. 108, dated the 17th of January 1842. The *sanads* of adoption conferred by Lord Canning were intended to recognise in their full extent the ascertained usages of ruling Chiefs in the matter of adopting successors on failure of natural heirs; and I may add that any decision which might operate to contract or diminish their powers in this respect would not be in accordance with the general policy of Her Majesty's Government towards Native States. I am, therefore, of opinion that the exclusion of a collateral by a ruling Chief of Bundelkhand, in making an adoption according to Hindu Law and the customs of his race, will not necessarily prevent your Government from exercising your discretion in regard to recognising and confirming it".

Adoption of the son of another ruling Chief.

On the question whether a ruling Chief may be permitted to adopt the son of another ruling Chief, the Secretary of State observed*—"Subject again to a consideration of the interests of the State, and the circumstances of each particular case, I see no objection to any adoption of the character mentioned, which may be in accordance with Hindu Law and the custom of the Chief's race. It will be borne in mind that an adopted son ceases to belong in his natural family and thereby forfeits any claims, reversionary or otherwise, that belong to him as the member of the family from which he is adopted".†

Comments on the Bijawar case.

§ 332 B. The Secretary of State's ruling is in practical accord with the opinions expressed in the notes‡ by Members of Council which accompanied the despatch of the Government of India. The claims of collaterals are one of the questions to be considered in connection with the customs of race, which have to be determined on the evidence in each particular case of adoption sought to be made under a Canning *sanad*. A family custom when proved qualifies to that extent the general Hindu Law in the case of that particular family. As an instance in point, it has been held, after due enquiry, "that it is the custom of the Palitana family as well as of all the other ruling Rajput families of Kathiawar that a brother of a Chief should succeed, failing lineal heirs, to the Chief, and that such right of succession by a brother cannot be defeated by the Chief making an adoption",§ although it is now a settled principle of Hindu Law that the adoption of a stranger is valid, even though near relatives otherwise suitable are in existence.‖ When an adoption fulfils the requirements of Hindu Law and family custom, the Government of India will give effect to it unless prevented by reasons of policy, *e.g.*, the personal unfitness of the candidate, the interests of the State, or particular difficulties attending the selection of the son of another ruling Chief. Conversely (*cf.* §315), reasons of policy may lead to the recognition of an adoption which is invalid, but the recognition is then in reality a selection of a successor by the Government of India.

Adoption of a son of another Chief.

§ 332 C. In the case of the Kalinjar Chaubes' jagirs, it is a rule of succession that, when heirs fail to any sharer, the share is divided among the surviving branches of the family. The right of adoption has been granted to each jagirdar,

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* Internal A, October 1900, No. 1.
† Pro., Internal A, October 1900, No. 1.
‡ Notes in Internal A, April 1900, Nos. 159-167.
§ Pro., Internal A, February 1896, Nos. 184-190.
‖ Mayne's "Hindu Law and Usage", 1883, page 123.

and sanction was accorded in 1900 to the adoption by the jagirdar of Taraon of a son from the family of Baldeo or Baisanda, provided he was not the holder of, or direct heir to, one of the Chaube jagirs, and was in direct line of descent from the founder of the joint families. The latter proviso had been stipulated as a condition to the sanction to a previous adoption.*

Selection of a son of another Chief.

In 1899 on the Chief of the Miraj Junior States dying heirless, the second son of the Chief of the Senior Miraj State was selected as his successor.† On the death of the Thakur of Daria Kheri, a collateral, who was the only son of the Thakur of Kamalpur, was selected as his successor, subject to the proviso that he should relinquish his claims to the Thakurate of Kamalpur.‡

* Pro., Internal A, May 1901, Nos. 47-48. | † Pro., Internal A, November 1899, Nos. 74-76.
‡ Pro., Internal A, May 1900, Nos. 148-153.

§ 338 A. The Narsingarh case of 1896 might appropriately be entered as § 360 A, the State like Ali Rajpur not possessing an adoption sanad and the considerations which decided the succession being those enumerated in § 357. But as the question of widow adoption is the leading feature, the case is grouped here with others of that class. Raja Pratap Singh of Narsingarh died in 1890 leaving no lineal or adopted heir. The choice of a successor lay between two collaterals named Mehtab Singh and Moti Singh, and the Government of India selected Mehtab Singh. While the issue was in the balance, Mehtab Singh had secured the support of the deceased's widows by executing with the senior of them an agreement that on the failure of issue to him he would "adopt the boy who will be selected by you and the other dowager Ranis and the Panch". On the strength of this agreement, when Mehtab Singh died in 1895 leaving no issue, lineal or adopted, the widows of Pratap Singh claimed the right to adopt a successor to the *gadi* and selected the aforementioned Moti Singh. The "Panch", or assemblage of nobles of the State, supported the widows' claim and approved their selection. The claim was disallowed, because "though the widow of a Chief may adopt a son to her husband, if such a course is in accordance with Hindu Law and the custom of the family, her adoption has of itself no bearing on the succession" and, *à fortiori*, the widows of Pratap Singh could not claim to select a successor to Mehtab Singh. Proceeding, therefore, on the usual considerations of "custom, family and public feeling, and the interests of the State", the Government of India passed over Moti Singh and the two other nearest relations of the deceased, as unfitted for the Chiefship, and selected Moti Singh's son, Arjan Singh.*

Narsingarh, 1896.

The Rana of Sunth died in 1896 leaving no lineal or adopted heir. Both his widows at first nominated Gulab Singh as the successor; but the senior widow subsequently favoured another collateral. The Government of India selected Gulab Singh. The senior widow having refused to adopt him, the Bombay Government enquired whether the junior widow might do so (as she was prepared), and, if so, whether Gulab Singh's installation need be deferred till the completion of the adoption. The Government of India replied that the junior widow might adopt Gulab Singh as a son, if such a course was in accordance with Hindu Law and the custom of the Sunth family. It was left to the Bombay Government to decide whether the adoption should precede the installation; but in that case they were asked to make it clear that adoption by widows does not influence succession.†

Sunth, 1896.

The Raja of Akalkot died at the close of 1896, leaving no issue, lineal or adopted. His uncle was unfitted for the Chiefship. The choice of a successor, therefore, lay between a collateral, named Ganpatji, and his

Akalkot, 1898.

* Pro., Internal A, August 1896, Nos. 67-93. | † Pro., Internal B, September 1896, Nos. 74-77.

infant son Sayaji. Ganpatji was described as a strong active young man of good moral character and fair education; but the Bombay Government recommended the selection of Sayaji, being influenced thereto partly by a general preference for the appointment of a minor, and partly out of consideration for the feelings of the late Chief's widow, who wished to adopt a child whom she could bring up as her own. It was explained to the Bombay Government that the Government of India do not bind themselves by any limit of age in selecting a successor, and that they do not, except for strong reasons which did not appear in this instance, pass over an eligible adult candidate. The selection of a child who could be adopted by the Rani would entail the least dislocation of the existing position at Akalkot; nevertheless, adoption by a widow had no bearing on the question of succession, the widow's interest could be otherwise protected, and a minority was neither required in the interests of the State (which had only recently reverted to native rule after twenty-five years of British management and was in a flourishing condition), nor desirable on general grounds, namely, that the number of States under management was numerous and likely to be added to. For these reasons Ganpatji was selected. Previous to his installation, however, the widow appealed to the Secretary of State. His Lordship sympathised with her representation that "whereas the accession of Ganpatji would virtually terminate, the continuance of the Chiefship in her husband's branch of the family, by which it had been held for several generations, the grant of permission to adopt a child selected by the British Government would give her the consolation of feeling that she (had) a son who would perpetuate her husband's line": he surmised that for the British Government to choose in its full discretion a successor who would pass by adoption entirely into the family of the deceased ruler would be in accordance with popular customs and predilections: and he eventually decided that a boy should be selected who would be subsequently adopted by the Rani. Sayaji was accordingly selected. But though the Government of India were thus overruled, no change of principle has to be recorded. The Secretary of State rejected the Rani's claim as of right to adopt a son to be the successor of her late husband: the principle was specifically maintained that the selection of a Chief rested with the Government who would be guided by considerations of general expediency, the State's welfare and the wishes, so far as they can be ascertained, of the people; the case was argued from that point of view, and the Secretary of State's decision was based "on general grounds of expediency in the circumstances of this particular case".

Add as a footnote to § 339 (4):—

For an instance of a Chief adopting his illegitimate child, see Pro., Internal A, July 1897, Nos. 367-371.

Add to § 345:—

Female succession negatived. Koria case, 1899.

The Chief of Korea, a Hindu Tributary State of Chota Nagpur, died in 1897, leaving only a widow and daughter. The only male claimant with any pretensions to the succession was Sew Mangal Singh. There was no direct evidence of his actual relationship with the late Raja, and any relationship of the kind admittedly dated from at least seven generations back: but the accepted tradition among all classes in the State was that the two families were from the same original stock. The popular opinion was that the daughter had no right to succeed, but that the widow should remain on the *gadi* with reversion to Sew Mangal Singh. A precedent for this was cited from the Udaipur State in Chota Nagpur in 1827: but, apart from the difference in political control at the two periods, the Chief on that occasion had left no legitimate male collateral. The evils of *parda* administration were recognised, and Sew Mangal Singh was appointed Chief.*

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* Pro., Internal A, August 1899, Nos. 196-200.

§ 348 A. Nawab Sadik Muhammad Khan, Chief of Bahawalpur, died in 1899. In 1880 a son was born to him from a morganatic marriage, and in reporting the birth, he referred to the child as his heir by primogeniture which was the custom of the State. The child died. Subsequently a son, named Mubarik Khan, was born to him in 1883 by a second marriage, and in 1894 he had another son, Haji Khan, by a third lady. In 1897 he applied for the recognition of Haji Khan as his heir, on the alleged grounds of the illegitimacy of Mubarik Khan. The Government of India refused to depart from their ordinary custom* and to make, during the Nawab's lifetime, a specific declaration as to whom they would recognise as his heir on his decease.* They observed that "the principle of primogeniture determines the succession in Muhammadan States, but the successor must be fit to rule"; and they declined to admit the illegitimacy of Mubarik Khan, in consequence of the Nawab's recent (unsupported) communications, he having previously recognised the child as legitimate.† On the Nawab's death, Mubarik Khan's succession was sanctioned.

The Bahawalpur succession.

* The same was the case in Khairpur (Pro., Secret I., June 1899, Nos. 3-12), though the Government of India authorised a communication to the Mir that in no circumstances would they countenance the succession of Ahmed Ali, the son whom he favoured (Pro., Secret I., May 1900, Nos. 25-27). Exceptions to the rule are the recognition of Sultan Jahan Begam as heir-apparent to Bhopal (Aitchison, Vol. IV, p. 252) and of the second of the Maharaja of Sikkim's two sons by his first marriage as heir-apparent to Sikkim (Pro., External A, March 1899, Nos. 105-106). In both cases there were special reasons for the declaration.

† Pro., Secret I., February 1898, Nos. 11-31.

Add as a footnote to §354 (4):—

On the death of the Chief of Sargana, his three sons by his second wife came first in order of primogeniture. The eldest was set aside by reason of bad character, and the other two resigned their claims in favour of Pratap Rao, a son by the deceased's first wife, asserting that it was the custom of the family that the son of the first wife should succeed. No pronouncement was made on the alleged custom. Pratap Rao's succession was sanctioned on the ground of personal fitness, and as being in accordance with the wishes of the family (Pro., Internal A, July 1899, Nos. 18-26).

Add to footnote 21 to § 368:—

See also § 492 A.

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§ 368 A. Chiefs should be encouraged to report their marriages. The information is useful and may be necessary to Government in dealing with successions.*

Marriages of Chiefs.

* Pro., Internal B, February 1898, Nos. 263-264.

Add to § 370:—

In 1896, a *Sanad* was refused to Sardar Dayal Singh, Majithia, the Governor-General in Council concurring with the Lieutenant-Governor that such concessions should only be granted as special privileges, and that there was nothing in the career of the Sardar or in the history of his family which would justify compliance with his request.*

* Pro., Secret I., August 1896, Nos. 5-21.

Add as footnotes to §383 :—

To the 1st rule—

When a Chief is selected by Government on the failure of natural heirs to his predecessor, a fresh line of Chiefs begins in his person. Therefore, if he in turn is succeeded by his brother, no *nazarana* is leviable under this rule (Pro., Internal A, July 1899, Nos. 341-356).

When a Chief succeeds his predecessor as his adopted son, it will depend on his previous relationship to his adoptive father, whether *nazarana* is leviable or not. If he was a nephew previous to adoption, *nazarana* would not be leviable under this rule (Pro., Internal A, June 1892, Nos. 251-264).

An adopted son passes into the family of his adoptive father. Hence if a Chief who succeeded by adoption, is in turn succeeded by his natural nephew, the latter cannot claim as natural nephew to be exempted under this rule from payment of *nazarana*. The relationship between the two will be traced through the adoptive father (Pro., Internal A, February 1900, Nos. 120-125).

To the 5th rule—

Nazarana should be calculated upon the average yearly revenue of the State for the five years preceding the succession on account of which the *nazarana* is leviable. The annual tribute is then deducted from the average revenue. When the classification of revenue and the system of accounts render this possible, all transactions relating to Local Funds, Advances and Deposits may be omitted from the calculation (Pro., Internal A, July 1898, Nos. 262-263).

To the 6th rule—

Payment by instalments is a concession, and should not be regarded as a custom (Pro., Internal A, March 1898, Nos. 265-270). For an extension of period by the Government of India, see Pro., Internal A, April 1900, Nos. 55-57.

Add " Sarila " to the list of Chiefs under head (*a*) in § 384.

Add to § *386* :—

This happened in 1897 on the death of the Chief of Jamkhandi. He had adopted a distant relative. The previous practice cited by the Bombay Government was found to be supported by a ruling of 1842 to the effect that the treaty of 1819 merely provided for cases of regular succession, and that *nazarana* was payable on successions by adoption. Nothing having occurred to modify the decision, a *nazarana* of a year's revenue was levied from Jamkhandi, and the Bombay Government were informed that, unless they saw any objection, the ruling should be taken as a guide in similar cases in the other Southern Mahratta jagirs.*

Treaty exemption of States of the Mahi Kantha and Kathiawar, negatived.

Government rejected the contention of the Thakur of Ranasan that the levy of *nazarana* from Chiefs of the Mahi Kantha is precluded by the Treaty of 1820 with the Gaekwar. The treaty applies equally to Chiefs in Kathiawar.†

* Pro., Internal A, January 1898, Nos. 111-121.

† „ „ June 1896, Nos. 261-275.

Add to § 388 :—

Ratlam and Sailana, mediatised Chiefships of the first class, have been held liable to the operation of the *nazarana* rules.*

* Pro., Internal A, July 1893, Nos. 144-152.

„ August 1896, Nos. 150-157.

Add to § 390 :—

The Dewas State, Senior Branch, and Dhar have been held liable to the operation of the rules.*

* Pro., Internal A, February 1900, Nos. 120-128.

„ March 1899, Nos. 86-103.

Add as a footnote to "Udaipur" in § 391:—

The Sanads granted to the Chota Nagpur Chiefs in 1899 (see footnote 8 to § 498) provide that all shall pay *nazarana* on successions (Pro., Internal A, March 1899, Nos. 195-209).

Add as a footnote to the last sentence of the first paragraph of § 396:—

In 1898, the Bombay Government recommended the exemption of a number of estates in Kathiawar and Palanpur, owing to the small incomes of the owners and shareholders, and the difficulty of calculating *nazarana* on sub-divisions. The Government of India replied that it was an admittedly dangerous principle to exempt States, because of the smallness of individual incomes of shareholders: that the rules for the levy of *nazarana* caused it to fall lightly: and that in the cases recommended they saw no reason to forego "a singularly legitimate source of Imperial revenue" (Pro., Internal A, May 1899, Nos. 58-73).

Add to footnote 12 to § 417:—

Jigni and Garauli furnish instances of the management of a small State being entrusted to the mother of a minor Chief (Pro., Internal A, October 1892, Nos. 35-37, and July 1898, Nos. 226-228).

Add to § 429:—

Rewa, Dewas, Kota and Rajpipla.

The grant of full powers to the young Chiefs of Rewa, Kota, Dewas and Rajpipla followed generally the same lines. The stipulations that the Chiefs would be expected to consult the Political Agent on all important matters, to be guided by his advice, and to obtain his concurrence before introducing any important change in measures carried out while the State was under management, were supplemented by a few conditions applicable to the individual case.*

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* Pro., Internal A, December 1895, Nos. 157-164, April 1897, Nos. 131-139, 275-284 and 297-310, and October 1897, Nos. 359-363.

Add to § 431:—

Ali Rajpur, 1900.

Following the precedent of Vijai Singh mentioned in § 421, Rana Pratab Singh of Ali Rajpur, on attaining the age of 18, was entrusted with the administration of two *parganas* of the State on certain terms and under the supervision of the Superintendent appointed during his minority.*

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* Pro., Internal A, December 1900, Nos. 1-2.

Add as a footnote to "British Court or Magistrate" in the penultimate sentence of § 443 on page 3:—

The Post Office Act, 1866, was directly limited to British India, and no persons, whether British subjects or not, save public servants, as described in section 59 of the Act, could be punished for offences committed against the Act in Native territory (Pro., Internal A, May 1893, Nos 1-5). This defect has been rectified in the Post Office Act, 1898, which extends to the whole of British India and applies to all Native Indian subjects of His Majesty in any place beyond British India, and to all other British subjects and to all servants of the King, whether British subjects or not, within the territories of any Native Prince or Chief in India.

Add to footnote 11 to § 443 :—

For the revised Regulation, see Pro., Internal A, July 1899, Nos. 198-202.

Add as a footnote to "European British Subjects" in the fifteenth line of § 444 :—

In territories outside British India to which the Criminal Procedure Code has been locally applied, the application has always been treated as strictly limited to persons other than European British subjects. To the latter, the Code extends as a personal law only under section 8 of the Foreign Jurisdiction and Extradition Act, 1879 (pages 71-72 of K.-W. to Pro, Internal A, August 1898, Nos. 89-98).

Add as a footnote to the penultimate sentence of § 444 :—

"The effect of the certificate is merely to give the Magistrate jurisdiction to take cognisance of the offence. It in no way derogates from the discretion vested in the Magistrate, who is required to proceed in all respects as if he were dealing with an offence alleged to have been committed in British India The Government of India cannot, therefore, accept the view that the Magistrate is bound by the certificate to arrest the accused persons or to take any steps against them, unless the materials before him are such as would, in his opinion, be sufficient to justify proceedings on his part if the offence had been committed in British India" (Pro., External A, November 1897, Nos. 32-44).

Add as a footnote to the seventh sentence in § 445 :—

'Subjects of Her Majesty' may be taken to include a British subject by birth, naturalisation, cession, conquest, or, in the case of a woman, by marriage. A British subject by birth is a person who was himself born in the dominions of His Majesty or whose father or grandfather was so born; and a naturalised British subject is a person who is not by birth or descent, as aforesaid, a British subject, but has acquired British nationality by means of naturalisation. (The Indian Naturalisation Act, XXX of 1852, will not confer upon a person, who has been naturalised in British India under its provisions, the privilege of British nationality elsewhere than within British India.) A Native Christian born in British India does not cease to be a Native Christian subject of His Majesty merely by reason of his settling in a Native State: and the children of such a person, though born in a Native State, are *primâ facie* British subjects. If in any given case there is doubt as to the facts, the political authorities should be consulted (Pro., Internal A, September 1898, Nos. 94-96). Where both the parties who desire marriage are British subjects and Christians, the marriage can be solemnised by the persons mentioned in section 5, Act XV of 1872. When both are British subjects, but one is not a Christian, the marriage can still be solemnised by the persons mentioned in section 5, sub-sections (1) to (4); but a person, licensed under section 9 of Act XV of 1872, cannot solemnise such a marriage under Part VI of the Act, although such marriages so solemnised previous to 1892 were validated by Act II of 1892. There is a difference of opinion as to whether Act XV of 1872 authorises the solemnisation in a Native State of a marriage between Christians of whom one is, but the other is not, a subject of His Majesty. In such a case, a Minister should ascertain whether a marriage by him within a Native State would be recognised by the law of that State, and, if any doubt exists, he should decline to solemnise the marriage (Pro., Internal A, September 1898, Nos. 94-96, and May 1899, Nos. 124-133).

Add as a footnote to the last sentence of § 474 :—

For agreements admitting a Native State to a share in the revenue of a British station in its territory, *cf.* the right of the Nizam's Government to the Octroi and to the balance (after meeting administrative charges) of the excise revenues of Secunderabad (K.-W. to Pro., Internal A, September 1889, Nos. 110-112, and Pro., Finance A, July 1866, Nos. 1-2); the Wadhwan State and the customs duties at Wadhwan civil station, for which a lump payment to the Darbar was agreed upon in 1900 (Pro., Internal A, February 1900, Nos. 73-74); the Indore State and the trade tax in Mhow and Residency Bazars, in return for the withdrawal of the Darbar's customs posts on the roads leading to those places (Pro., Internal A, July 1898, Nos. 140-149). Bangalore having been assigned by Mysore free of charge to the exclusive management of the British Government, the latter have an exclusive right to the whole revenue of the station. The revenue is applied to projects which Government "decide to be for the purposes of the station or of its administration" and at present exhibits no surplus. Should any considerable surplus accrue regularly, Government having "no desire to enrich the Imperial Exchequer thereby", have agreed to make a deduction on that account in the Treaty payments of the State (Pro., Internal A, January 1896, Nos. 37-42). In the Periyar Camps (§ 522), Travancore ceded criminal and abkari jurisdiction, the latter conditionally on the Darbar receiving the net abkari revenue. It was arranged to debit the abkari revenue with the expenditure on both criminal and abkari administration. As the camps had created an abkari revenue, it was only fair that the British Government should share in it at least to the extent of not being put to any expense by the exercise of any jurisdiction acquired in those camps (Pro., Internal A, March 1895, Nos. 61-71). The decision is similar to that regarding the Secunderabad Abkari Fund above quoted.

Add as a footnote to clause (2) in § 480:—

"The Government of India hold that a Resident or Political Agent has full jurisdiction within the limits of the Residency and the Residency grounds: and that, if an offence is believed to have been committed within those limits, his jurisdiction may be exercised whether the accused person is a servant of the Agency, an occupant of the Residency premises or a subject or servant of the Darbar residing elsewhere in the State. But the Governor-General in Council, while maintaining this right of full jurisdiction, does not consider that jurisdiction should necessarily be always exercised. The Political Agent may, therefore, either try such cases himself or make them over for trial by the ordinary Courts of the State, as he may be instructed in the particular instance or as may seem to him to be expedient (Pro., internal A, July 1895, Nos. 102-104). See also Pro, Internal A, September 1897, Nos. 26-27 (Travancore Residency). Also Foreign Department Notification No. 1087 I.-B., dated the 19th March 1901, granting to the Resident at Hyderabad powers to direct Civil Courts in the areas administered by him to refer plaintiffs to the Nizam's Courts".

Add as a footnote to "Sipri" in § 480:—

* Restored to Gwalior in 1896, being no longer required as a station for troops (Pro., Internal A, October 1896, Nos. 199-203).

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§ 480 A. Account rules have been drawn up to ensure that the local revenues administered by Political Officers "are spent in the way and for the purpose intended by Government".* They prevent contributions from one fund to another, which were the chief type of irregularity in the past.†

Administration of funds.

* Pro., Internal A, April 1900, Nos. 198-209.

† Pro., External A, June 1897, Nos. 66-78.
Internal A, November 1897, Nos. 73-78.

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§ 492 A. In 1900, the Bombay Government framed rules to define the jurisdiction to be exercised by the Courts of the Political Agency in civil and political suits. Political suits are therein defined as (1) suits to which a Chief of any of the first four classes is a party, and (2) cases affecting the interests of the tributary Chiefs, of whatever class, in regard to sovereign rights, jurisdiction, tribute or allied payments, maintenance to members of the Chief's family, compensation for injury done by outlaws or highway robbers, territory, boundaries, political status or prerogative. The Government of Bombay desired that the rules relating to civil suits should be issued by the Governor-General in Council in exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879. The Government of India replied—"All similar orders which have hitherto been issued for the Kathiawar Political Agency, with the exception of the Kathiawar Police Law, have been issued by the Government of Bombay, who are familiar with the local circumstances of Kathiawar, and the Government of India consider that, unless there are substantial reasons for departing from established practice, the draft rules.....should also be issued by the Government of Bombay".*

Other Agency Courts, Kathiawar.

* Pro., Internal A, April 1900, Nos. 171-172, and June 1900, No. 32.

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§ 493 A. The position of the Simla Hill States is analogous to that described in § 493. "The Superintendent should be regarded as vested, in his capacity of representative of the Paramount Power, with a residuary jurisdiction to

Simla Hill States.

try cases where two or more of the petty Chiefships under his charge are concerned or where political considerations preclude the exercise of the Chief's jurisdiction. Where the Superintendent acts in exercise of this jurisdiction, no question of law arises: and the existing practice, whereby certain sentences require the Superintendent's confirmation, may conveniently be maintained ".*

* Pro., Internal A, August 1898, Nos. 247-248.

Add as a footnote to the penultimate sentence of § 496 :—

Section 19 contemplates the retention in British India of persons convicted in Native States for the whole term of their sentences. Section 16 is not so definite. But no provision is made for the re-transfer of a prisoner to the Native State from which he was originally received, and in the absence of statutory authority his surrender would be of doubtful legality (Pro, Internal A, February 1897, Nos. 487-489).

Act V of 1871 has now been superseded by Act III of 1900, section 15 of which amalgamates the provisions of sections 16 and 19 of the old Act.

It has to be noted that "the confinement in a Native State jail of prisoners sentenced by a British Court is open to objection" (Pro., Internal A, December 1897, Nos. 106-113).

Add to footnote 8 to § 498 :—

The Sanads were granted to the Chiefs in 1899, except in two cases where the succession was disputed and one where the Chief was a minor. They differ from those granted to the Orissa Chiefs as regards tribute and judicial powers. Seraikella and Kharsawan are exempt from tribute; but in the other States the Government demand was enhanced The judicial powers of the Chiefs remained as fixed in 1863 (§ 230). They had never exercised, and it was decided to be inadvisable to grant them such extended powers as the Orissa Chiefs (§ 224) (Pro., Internal A, March 1899, Nos. 195-209).

Add as a footnote to "good offices" in clause II *of* § 502 :—

"For the rejection of a claim to guarantee, which a Thakur based on mediation of this sort, see Pro., Internal A, July 1900, Nos. 258-261".

Add to footnote 11 *to* § 502 :—

In this connection the discussions concerning the Bagli Estate, in which a decision has been postponed, should be referred to (Pro, Internal A, July 1897, Nos. 509-512).

Add as a footnote to the penultimate sentence of § 505 :—

The Court of the Chief has thus the fullest jurisdiction except that one class of sentence has to be submitted for confirmation. The Agent to the Governor General has no power to commute a sentence of death passed by the Chief. If he disagrees, he should refer the case back with the sentence unconfirmed, and advise the Chief to commute it (Pro, Internal A, June 1900, Nos. 128-133).

Add as a footnote to "Panna" in the penultimate sentence of § 506 :—

A similar *sanad* was granted to the successor of this Chief in 1896 (Pro, Internal A, July 1896, Nos. 23-25).

In the sidenote to § 508, *for* "1891" *substitute* "1901".

Add as a footnote to "within the limits of that State" in § 508 :—

* Under this Notification the Political Agents in Malwa, Bhopal, Bhopawar and Bundelkhand did not technically possess the powers of a District Magistrate and a Court of Session, which in practice they exercised, within the districts of Indore and Gwalior included in their Agencies. The practice has been legalised by Foreign Department Notification No. 2133 I.-B., dated the 31st May 1901, which provides that "within the limits of any portion of the Central India Agency which is controlled by a Political Agent subordinate to the Agent to the Governor-General in Central India, such Political Agent, not being the Resident at Indore, shall exercise (in all cases in which such powers may lawfully be exercised by the Governor-General in Council within such limits) the powers of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure, 1898", except, as before, in proceedings against European British subjects or persons jointly charged with European British subjects, and except in the cantonments of Mhow and Neemuch, or the cantonment or civil lines of Nowgong, or railway lands within the Central India Agency for which separate provisions have been made. A Resident is a Political Agent within the definition in the Foreign Jurisdiction and Extradition Act, 1879, and the General Clauses Act, 1897. The Notification, therefore, covers the Resident at Gwalior. The Resident in Indore was specifically excepted, because special reasons rendered it advisable that within the portion of the Central India Agency which he controlled, the First Assistant to the Agent to the Governor-General should continue to exercise judicial powers as has been separately provided.

Abolition of the Rajasthanik Court.

513 A. With the approval of the Secretary of State, the Court was abolished on the 31st March 1899, all cases then pending being transferred for disposal to the Judicial Assistant to the Political Agent in Kathiawar. Thenceforth new disputes arising in States of the first four classes are to be adjudicated upon by the Courts of the States themselves. But the Agency protection over guaranteed Girasias remains intact, and should any case necessitate interference, the enquiry will be entrusted to the Judicial Assistant to the Political Agent in Kathiawar. He also will dispose of all cases in States below the fourth class under rules similar to those which governed the Rajasthanik Court. A small survey establishment has also been retained under Agency control.*

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* Pro., Internal A, January 1900, Nos. 19-23.

Add as a footnote to clause (1) in § 520 :—

"Shall be in force in" is the approved form now instead of "are hereby extended to". "The Government of India recognise that, in practice, all the laws of an adjoining British district, when applied *en bloc* to railway lands in Native territory, need not be treated as in force in those lands and that, as a matter of policy, fiscal laws should generally not be so treated" (Pro., Internal A, October 1899, Nos. 82-91).

Add to § 522 :—

On the transfer of the Umaria Colliery to the Rewa Darbar, and the completion of the Periyar Project, the jurisdiction in the coal-fields and the camps, respectively, has been restored to the Darbars.*

* Pro., Internal A, March 1900, Nos. 60-91.
" " August 1896 " 99-101.

Add to § 537 :—

But it must not be supposed that the jurisdiction of the Courts appointed by the Governor-General for the trial of cases prosecuted by the Thagi Department is based on the Code of Criminal Procedure. Their jurisdiction "is the jurisdiction exercised by the Government of India in Native States to intervene for the suppression of violent organised crime. Such jurisdiction extends to all Native States, and therefore, in practice as well as in principle, the jurisdiction of any particular Court is not confined to dealing with offences

committed within the territorial limits of the Political Agency to which the British officer presiding over the Court may be attached, but extends to all Native States and to all persons charged by the Thagi and Dakaiti Department with having committed violent organised crime. The provisions of the Code of Criminal Procedure and of the Indian Penal Code are taken by the Court as a guide to the due administration of justice, but only "apply" (section 8, Act XXI of 1879) to cases in which the accused are subjects of His Majesty".*

* Pro., Internal A, July 1897, Nos. 466-468.

Add as a footnote to the first sentence of § 543 :—

For a summary of the practice in extradition with frontier States, see K.-W. to Pro., External A, February 1898, Nos. 251-272.

Add to § 543 :—

In 1895, in reply to a request for the surrender to Russia of a fugitive criminal, the Amir raised the question of reciprocity in extradition. In reporting the case to the Secretary of State, the Government of India observed—"We are not willing to enter into an arrangement for reciprocity (between India and Afghanistan), because we have no guarantee that criminals surrendered to the Amir would not be condemned without fair trial and subjected to barbarous punishments. ..... (The Amir) can have no political relations with any foreign Power except the British Government. ..... Any arrangement for reciprocity of extradition as between Afghanistan and Russia must be made through the British Government, and the responsibility for the Amir's carrying it out would fall upon us. We cannot think that such an addition to our responsibilities as regards Afghanistan should be made. Moreover, we could not well press for, or even agree to, such an arrangement with Russia while unwilling to make a similar one between Afghanistan and India". His Lordship admitted the difficulties of the case, and concurred that an arrangement with Russia could not be pressed on the Amir, unless a similar and simultaneous proposal were made on behalf of India. He considered, however, that to admit that the British Government had no means of inducing the Amir to surrender refugees in his territory who are accused, on good evidence, of exceptionally heinous crimes would disparage our political influence and render it difficult to protest against the Russian authorities making a direct arrangement with the Amir. In accordance, therefore, with His Lordship's desire, His Highness was informed that the British Government would be prepared to enter into negotiations for an agreement for the extradition from British or Russian territory of Afghan subjects proved guilty of having committed heinous crimes in Afghanistan, provided, firstly, that he should agree to surrender, without respect of race or religion, British or Russian subjects who should take refuge in Afghan territory after having committed similar crimes in British or Russian dominions; secondly, that political offences would not enter into the category; and, thirdly, that criminals surrendered should not be subjected to any treatment or punishment contrary to the usages of civilised nations. The Amir's reply suggested a list of extraditory offences, of which most were beyond the scope of the arrangement contemplated, and some were of a political character. Secondly, His Highness stipulated that a demand for extradition should be at once complied with, *i.e.*, without any investigation into the guilt of the accused by the country surrendering him—a proviso which the Government of India could not accept. A third difficulty to be foreseen would be the repugnance of the Amir to surrender any co-religionist. Reviewing the question

from every aspect, the Government of India were strongly for deferring the consideration of proposals for extradition and limiting intervention to good offices on either side in exceedingly heinous and special offences.*

The Agent to the Governor-General in Khorasan has to obtain the orders of Government before taking action on any application for extradition to Afghanistan from Persian territory.†

* Pro., Secret F. { February 1896, Nos. 178-186. May 1897, Nos. 477-491.

† „ „ January 1900, Nos. 166-188.

Add as a footnote to "have been appointed" in the thirty-sixth line of § 551:—

"The appointment of Justices of the Peace in places beyond the limits of British India rests with the Governor-General in Council under section 6 of the Foreign Jurisdiction and Extradition Act, 1879", and is not made under the Code of Criminal Procedure as locally applied (Pro., Internal A, February 1899, Nos. 76-103).

Add as a footnote to the second paragraph of § 560:—

"It is the duty of the Deputy Commissioner making the requisition to see that in his opinion a *bonâ fide* case has been made out, and, on the other hand, it is open to the Resident to advise the Council as to the sufficiency of the evidence, and to make a further representation to the Council in the event of extradition being refused by the Darbar in spite of apparently sufficient *primâ facie* evidence of guilt" (Pro., External A, February 1899, Nos. 1-40).

Add as a footnote to the last sentence of § 561 *on page* 83:—

For "pending the issue of a warrant for extradition by or through the Resident", substitute "pending the receipt from or through the Resident of an application for extradition".

Add to footnote 20 to § 564:—

„ „ „ May 1900, Nos. 198-201.

Add as a footnote to the third paragraph of § 565:—

As regards bail, see now section 12 A, Act XXI of 1879.

Add to § 576:—

The rules have since been adopted between Bikaner on the one hand and Patiala, Nabha and Alwar on the other hand.* Kashmir and Chamba have agreed to work on the principles of Act XXI of 1879, applications for surrender being submitted through the respective Political Officers.†

Kashmir and Chamba.

* Pro., Internal B, May 1899, Nos. 232-239. † Pro., Internal B, July 1898, Nos. 272-276.

Add as a footnote to the second sentence of § 586 :—

The want of reciprocity was similarly argued by the Bengal Government in Pro, External A, March 1896, Nos. 290-296. The Government of India replied—"The (Political Agent) is entrusted on behalf of the Government of India with the duty of.. .. determining whether a *primâ facie* case against the accused is established, and whether extradition should be granted ..... consequently the law directs that the Magistrate shall execute the (Political Agent's) warrant. In the converse case (of extradition to British India) no one has investigated the matter on behalf of the State from whom extradition is sought, and the authorities of that State are, therefore, bound to see for themselves that a *primâ facie* case is made out".

Add to footnote 11 *to* § 587 :—

The principles of Act XXI of 1879 have now been adopted (Pro., Internal B, July 1898, Nos. 272-276).

Add to § 600 :—

The privileges mentioned in section 650 A have also been conferred on the Civil and Revenue Courts of Baroda,* of Hyderabad,† and of the principal States of Central India.‡

* Pro., Internal A, September 1895, Nos. 242-244.
† „ „ „ March 1899 „ 218-220.
‡ Pro., Internal A, April 1896, No. 3.
„ „ „ October 1897, Nos. 370-371.

Add to footnote 10 to § 600 :—

Pro., Internal A, November 1896, Nos. 144-147.

Add to § 612 :—

The authority conveyed by the Notification No. 2180 I. of the 2nd July 1890 for the decrees of Courts in British India to be executed in the jurisdiction of Courts notified under section 229 A, as established or continued by the Governor-General in Council in Native territory, includes execution within the residuary jurisdiction of such Courts. The subjects of Native States, where such residuary jurisdiction exists, obtain the corresponding advantage that a decree which they may obtain from an Agency Court can be sent to a Court in British India for execution under Notification No. 2179 I., dated the 2nd July 1890, read with section 229.*

* Pro., Internal B, May 1897, Nos. 17-23.

Add to § 620 :—

When a British Court issues a Commission under section 386 of the Code of Civil Procedure to a Political Officer for the examination of a person residing in a Native State to which he is accredited, the Darbar concerned will usually arrange for the appearance of the witness. But the Political Officer cannot enforce his attendance, and he has discretion to return the Commission unexecuted for this reason without addressing the Darbar.*

* Pro., Internal A, October 1896, Nos. 48-49.

Add to § 630 :—

Sir Alexander Miller subsequently modified this opinion. In 1894, a nephew of Sultan Nawaz Jang, the Chief of Shehr and Makalla, applied for consent under section 433 to sue his uncle in the Bombay High Court in respect of certain moveable and immoveable property left in Bombay by the petitioner's father, and alleged to have been misappropriated by Nawaz Jang. The application stated *inter alia* that Nawaz Jang, with the undivided moneys of himself and the deceased, carried on a large trade in Bombay. The Hon'ble Member saw no reason to restrict the consent applied for to the extent to which the suit had reference to (*a*) trading operations carried on by Nawaz Jang within the jurisdiction of the High Court; (*b*) the possession by him of immoveable property within the jurisdiction of the Court; and (*c*) money charged on such property. He observed—"If the Chief trades within the local limits of the jurisdiction of the Court, I think the consent to sue should be given generally without restriction. The terms of section 433 (2) (*b*) are not qualified like those of clause (*c*), and there is no reason why a Ruling Chief who chooses to become a trader should be treated differently from any other trader". Sanction was accordingly granted.*

Definition of trading.

"To constitute trading, there must be a trafficking in goods". Consequently, the case of a creditor who wished to sue a Chief for the price of grain purchased by the latter for alms-houses which he supported was held not to come within the scope of section 433 (2) (*b*).†

* Pro., External A, January 1896, Nos. 170-280. (K.-W., dated 17th August and 8th September 1894.)

† Pro., Internal B, August 1897, Nos. 327-330.

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§ *630 A.* Section 433 (2) (*c*) would cover a suit for breach of contract to grant a lease of immoveable property. The wording of the clause is probably intentionally vague.* The requirements of sub-section (2) are sufficiently complied with, if the Government of India before granting consent to a suit satisfy themselves that there is *primâ facie* evidence of the existence of the conditions specified in clauses (*a*), (*b*) or (*c*), as the case may be.† It is still open to the defendant to plead to the jurisdiction of the Court in which the suit is filed, and the Court is at liberty to decline to recognise the consent to the suit, if satisfied that it was wrongly given.‡ Whether or not a consent to a suit once given under section 433 can be withdrawn by the Governor-General in Council is a moot point. Sir Alexander Miller considered such a course allowable, if the consent had been obtained on a false representation of fact, but the Hon'ble Mr. Chalmers reserved the point.§

Wording of section 433(2) of the Code of Civil Procedure.

Non-recognition and withdrawal of consent to institution of a suit.

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* K.-W. to Pro, External A, December 1896, Nos. 32-33.

† „ „ „ January 1896, Nos. 170-280.

‡ Beer Chunda Manikya *versus* Raj Coomar, Nobodeep, I.L.R., 9 Cal., 553.

§ Pro., External A, January 1896, Nos. 170-280.

„ „ June 1896, Nos. 124-128.

Add as a footnote to the words "to do so" in the first sentence of § 631 on page 129 :—

Cf. the conclusion of K.-W. No. 2 to Pro., External A, June 1896, Nos. 124-128.

Debts of deceased Chiefs, jagirdars and others.

§ 631 A. The tributary Chiefs and talukdars in Kathiawar have only a life interest in their estates and cannot charge them with debts beyond their lives. No suit can lie in the Kathiawar Agency Courts against a tributary Chief or talukdar or against any sub-sharer of a tributary Chief or talukdar in respect of any debt contracted by a predecessor of his, unless the claim has been admitted by the tributary Chief, talukdar or sub-sharer sought to be sued or the debt has the written approval of the Political Agent.* A similar rule (but minus the proviso) applies to tankhadars in Central India, and has been adopted by Gwalior, Dewas and other Central Indian States on behalf of their subordinate jagirdars.† Political pensions are of course protected by Act XXIII of 1871 from attachment by Civil Courts.

The Government of India have declined to make any general pronouncement as to how, in other cases, the debts of a deceased Chief will be dealt with. They have, however, assured the Calcutta Trades Association that, "where it is satisfactorily shown that a Native Chief has conducted his affairs in such a manner as to call for the intervention of Government, the interests of all creditors who can establish *bonâ fide* claims against the Chief, in respect to trading transactions of a legitimate and ordinary character, will receive consideration".‡ In the case which gave rise to the reference, the Superintendent in charge of a State during a minority had repudiated the debts of the late Chief on the ground that they were personal debts, that the Chief had left no personal property from which they could be met, and that the State treasury had been depleted by his extravagance. He considered that they must be settled by the young Chief when invested with powers, and he suggested to the State Council that it would be more economical to compound with the creditors on a general reduction of their claims. "The repudiation either in part or in whole of debts, which do not seem to be disputed, on the pleas advanced", appeared to the Government of India "a questionable procedure with which it is undesirable to connect the sanction of a British officer". They had no "desire to impose...the obligation of recognising as honourable commercial transactions any dealings with Native Chiefs which may appear... after due consideration to be of a speculative or otherwise indefensible character". But they held that the Superintendent "as being responsible for the credit of the State...should have dealt with individual cases instead of proposing a general reduction of all claims and referring creditors to the State Council". It was arranged that the claims should be scrutinised, and that those admitted to be equitable should be liquidated from the revenues of the State with due regard to the exigencies of the administration; but interest should not be granted on debts, the payment of which had to be postponed, as such a course might create an embarrassing precedent.§

A new factor is introduced when liabilities are incurred by a Chief not invested with full powers. The debts of the Jaora Chief, for instance, were rateably discharged from his personal estate,‖ and when Pathari was taken under management, notice was given that no further debts contracted by the Chief or his family would be recognised.¶

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* Foreign Department Notification No. 2714 I.-A., dated the 22nd June 1900 (Pro., Internal A, July 1900, Nos. 263-267).

† Pro., Internal A, November 1897, Nos. 99-102.

‡ *Cf.* the K.-W. to Internal B, March 1836, Nos. 11-17.

§ Pro., Internal A, July 1900, Nos. 208-222.

‖ „ „ „ October 1895, Nos. 97-137.

¶ Pro., Internal A, November 1896, Nos. 160-167.

Add to § 632:—

Eventually, in order to reduce references to the Government of India, the anomaly noticed above was removed by the delegation to the Bombay Government of powers under section 433 in respect of all Chiefs in the Bombay Presidency having claims to be considered as such for the purposes of the Code. A nominal list of them was included in the notification as required by section 433, sub-section (4).*

* Pro., Internal A, April 1895, Nos. 100-103.

„ „ May 1896, Nos. 268-271.

Add as a footnote to the words "wish to acquire" in the first sentence of the last paragraph of § 637 :—

* For a refusal to sanction a sale by one Native Chief to another, see Pro., Internal B, October 1897, Nos. 315-316.

Add as a footnote to the words "sanction of Government" in the penultimate sentence of § 637 :—

** *Cf.* Pro., Secret I., May 1898, Nos. 3-4.

Add to § 639 :—

Loan on mortgage by Rampur sanctioned, 1898.

In 1898 Raja Seth Lachman Dass, a banker of Muttra, negotiated a loan of Rs. 15 lakhs from the Nawab of Rampur, on the security of landed property in British India, in order to extricate his firm from financial difficulties. The failure of the firm would have involved widespread loss, and to avoid this it was preferable to sanction the transaction. It was stipulated, however, that (*a*) the land would be liable to immediate sale by the British revenue authorities should the Government dues thereon not be paid, and (*b*) in the event of the Nawab becoming the owner of the property by foreclosure of the mortgage, His Highness would be required to sell it within a reasonable time to be fixed by the Local Government concerned.*

* Pro., Internal A, November 1898, Nos. 1-9.

Add to § 642 :—

Further acquisitions of land by the Raja have been prohibited on his being found lending money on the security of immoveable property in British India.*

* Pro., Internal A, October 1895, Nos. 248-250.

Other instances of inheritance.

§ 643 A. In the possible case of the Maharani of Rewa inheriting a jagir in British India from her mother, the Maharani of Dumraon, it was thought doubtful whether the Government of India would interfere.* In two later precedents, the Nawab of Rampur was required to dispose of property in the Moradabad district which he had acquired, in one case by inheritance, and in the other in settlement of a dispute under a will, though in the latter instance he had transferred the property to his daughter.†

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* Pro., Secret I., May 1897, Nos. 186-197.

† „ Internal A, October 1900, Nos. 117-118.

„ „ July 1900, Nos. 202-203.

Later sanctions.

§ 646 A. For special reasons the following Chiefs have been allowed to acquire house property, namely, Baroda at Bombay, Bhor at Benares, Cochin at Madras, Faridkot at Firozpur, Hill Tipperah at Calcutta, Kanker and Khairagarh at Raipur, Kapurthala at Mussoorie, Cooch Behar at Darjeeling, Mysore

at Ootacamund, Patiala at Kasauli, Punch at Lahore, Sunth at Salia, and Udaipur at Ranchi. The Jaipur Darbar have been permitted to acquire a site for a temple in the Muttra district, and the Kashmir Darbar have been allowed to add to their holdings in the Punjab.*

The Bengal Government doubted the applicability of the general rules to the Maharajas of Hill Tipperah and Cooch Behar on the ground that they own ancestral estates in British India, and that the acquisition of additional property by them is not a matter of State policy or public inconvenience. The Government of India declined to grant any general exemption from the rules, and observed that in some places (*e.g.*, hill stations) it would be undesirable to permit the acquisition of landed property by a Chief in the position of these two.†

* Pro., Internal B, August 1898, Nos. 316-318.
" " " February 1896 " 8-12.
" " " May 1900 " 66-69.
" " A, February 1897 " 143-152.
" " " April 1896 " 1-2.
" " B, October 1899 " 220-221.
" " " " 1896 " 179-180.
" " " " 1895 " 107-109.
Pro., Internal B, February 1896, Nos. 385-386.
" " " July 1898 " 177-178.
" " A, February 1896 " 76-81.
" External B, September 1898 " 90-94.
" Internal " March 1896 " 201-202.
" " " August 1897 " 45-46.
" " A, January " " 51-64.
" External B, May 1899 " 115-117.

† Pro., Internal A, April 1896, Nos. 1-2.

Add to § 648:—

It subsequently came to notice that the Darbar held other house property, chiefly shops, in Agra, Muttra and elsewhere. They were required to dispose of it at a convenient opportunity.*

* Pro., Internal A, March 1896, No. 124.

Add as a footnote to the words "of such property" in the fourth sentence from the end of § 649:—

† For a further acquisition by Alipura, see Pro., Internal A, February 1900, Nos. 169-171.

Add to footnote 20 to § 649:—

"and August 1898, Nos. 249-252".

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§ 650 A. Exemption from Indian customs duties is granted, as a matter of courtesy, to Ruling Native Chiefs, who receive salutes of ten or more guns, at all British ports in India, and on "all occasions when such Chiefs are travelling". The privilege of importing, free of customs duties, articles intended for the personal use of themselves, their wives and their children, is conceded to Native Chiefs whose permanent salutes are not less than 19 guns.*

Customs facilities.

* Pro., Internal A, July 1888, Nos. 41-44, and January 1896, Nos. 272-276.

Add to § 659 :—

The third principle deduced in this paragraph is embodied in a decision of 1899. A shipping accident having occurred off the coast of Kutch, the Bombay Government raised the question whether they were empowered to order an investigation under section 7 of the Indian Merchant Shipping Act, 1883. The Advocate-General advised in the negative on the ground that clauses (*a*), (*b*) and (*c*) of section 6(1) of the Act are restricted to shipping casualties "on or near the coasts of British India". As this opinion would apply equally to casualties occurring off the coasts of Kathiawar, Baroda and other Native States, the Bombay Government referred the point to the Government of India with a view to the amendment of the law. The Government of India replied that it was "open to question whether the Governor-General in Council had the power to legislate for foreign ships beyond the coasts of British India"; and on this particular point they were of opinion that "their duties and responsibilities regarding maritime disaster were properly limited to the coasts of British India, save in the case of British ships. Casualties to the latter have been provided for [*vide* clauses (*d*) and (*e*) of section 6(1) of the Act] wherever they may occur".*

* Pro., Internal A, April 1899, Nos. 268-270.

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§ 680 A. The theory of political administration enters largely into the discussions of 1900* regarding the political management of the Phulkian States. For the purposes of this chapter it is sufficient to note the importance attached to placing the control of political affairs in the hands of officials of special training and familiar from experience with the principles that regulate the relations of Native States with the Government of India. "The successful Political Agent is a man who has learned political work (which is wholly different from civil or administrative work) from an early period of his career: who can grasp the idiosyncrasies of the Chief to whom he is accredited, and can sympathise with the feelings of the Darbar". Close contact between the Political Officer and the Chiefs with whom he has to deal and a personal influence over their education and training are particularly insisted upon.

Training of Political Officers.

* Pro., Secret I., November 1900, Nos. 11-15.

Add as a footnote to § 682 :—

* See also the Kurwai case (Pro., Internal A, July 1897, Nos. 55-68). "*No public notice*", *e.g.*, notifications calling for tenders for loans, "*which in any manner commits the Government of India, should be issued without their distinct sanction*" (Pro., Internal A, September 1900, Nos. 251-266).

Add as a footnote to the words "Government of India" concluding the third paragraph of § 693 :—

* For the last sentence of this clause, the following has been substituted by the Home Department Notification No. 1930, dated the 8th October 1900 :—

"The Local Government is required to satisfy itself that the fee proposed is not out of proportion to the relief afforded and to the circumstances of the case, and has authority to sanction the acceptance of a fee not exceeding Rs. 2,000. If the proposed fee exceeds this sum, the matter will be submitted, with a full report by the Local Government, for the consideration and orders of the Government of India" (Pro., Internal A, November 1900, Nos. 128-134).

Add as a footnote to the first Resolution quoted in § 695 :—

Cf. Pro., Internal B, December 1898, Nos. 77-91, in which Government cancelled certain unauthorised applications in which a medical officer asked Native Chiefs to contribute Indian products for exhibition in Australia.

Add as a footnote to the last paragraph of § 695 :—

Similar orders were passed regarding the subscription list circulated to Native States by the Committee of the Diamond Jubilee Commemoration Fund (Pro., Secret I., August 1897, Nos. 37-40).

Add as a footnote to the sentence ending "on active service" in § 696 *A* :—

"Political Officers are to discourage attempts on the part of Government officials, whose services have been lent to Native States, to obtain employment for their relatives" (Pro., External B, March 1900, No. 152).

Add to § 701 :—

Income tax is leviable on British pensions, though the recipients reside in Native States.*

* Pro., Internal B, January 1897, Nos. 354-355.

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§ 706 A. In 1893 an application was made on behalf of the Church Missionary Society for assistance in obtaining land in the Hyderabad State for school sites and cemeteries. The difficulties experienced by the Mission were due to the aversion of the Nizam's Government to Europeans settling in the State, owing to their exemption from the jurisdiction of the Hyderabad Courts. The tenure by Europeans of land "on contract, purchase, mortgage, lease or otherwise had been forbidden, except with the special sanction of the Government; and all recent sanctions to the erection of factories in the State had stipulated that the management should be entirely native. The Nizam's Government wished to apply the same rule to Mission sites by requiring that such property should vest entirely in the Native Christian community, and not in any European. The Government of India directed that the Darbar should be informed that the British Government have a right to insist on His Highness giving to all classes of British subjects those facilities for trade or other legitimate purposes which are extended to Hyderabad subjects in British India, and that this right is in no way affected by the circumstance that jurisdiction over European British subjects vests in the Government of India, as it does as a prerogative of the Paramount Power and not by virtue of express treaty with the Hyderabad State. Among the essential facilities which are conceded to Hyderabad subjects in British India is the power of acquiring premises for carrying on their business, or for other lawful purposes, and the Governor-General in Council, therefore, expects and requires that the Nizam's Government will extend to all British subjects in Hyderabad a fair measure of liberty and encouragement. In particular it is necessary that such persons should be allowed to purchase or hire with complete freedom any private buildings which they may want for the purpose of legitimate trade or occupation, or any private land for the erection of such buildings. It is not possible that any Native State in India can be allowed to prevent a European British subject from enjoying in any part of the Empire so common and necessary a right.

Hyderabad, 1896.

But, inasmuch as by the treaty of the 1st September 1798, no European may remain in Hyderabad territory without the knowledge and consent of the British Government, all cases of the acquisition of landed property by such persons must first be reported to the Government of India for orders".* The words "private buildings" and "private lands" mark a distinction between (made also in § 703) that class of property and State property in the matter of the right to acquisition.

* Pro., Internal A, February 1896, Nos. 191-198.

Add to § 708:—

The rule was upheld in 1897 when the Government of India directed that some soldiers of the Hyderabad Contingent, charged with smuggling opium when returning from duty in Rajputana, should be tried by the British Courts, through whose jurisdiction they had passed, for an offence against the Opium Act, and should not be surrendered to the Nizam's Government.* But it was modified in 1899 to the extent that, "*if a native soldier is charged with an offence committed within the territories of* [*the Nizam*] *and beyond cantonment limits, and if the circumstances leading up to the commission of the offence could not be reasonably connected with the performance of his duties, he may be surrendered to the State authorities for trial.*†

Concurrent jurisdiction of Courts-martial and British Criminal Courts.

On the principle that, in the interests of discipline, a soldier who murders another should be dealt with by a military tribunal, a Bombay Infantry sepoy, who murdered a comrade in the regimental lines at Baroda, was tried by Court-martial and not by the Cantonment Court.‡

Jurisdiction of Native States over members of the Thagi Department.

The rule laid down in 1894 in the case of Native soldiers of the British army has been applied to members of the Thagi Department and other Government servants. In the event of an offence being committed by any such person in his private character, Government will decide on the merits of the case whether British jurisdiction should be waived or not.§

* Pro., Internal A, May 1897, Nos. 129-130.
† Pro., Internal A, January 1900, Nos. 160-163.
‡ Pro., Internal A, September 1896, Nos. 18-19.
§ Pro, Internal B, October 1898, Nos. 263-264.

Add as a footnote to clause (1) of § 744:—

See Pro., Internal B, June 1898, Nos. 145-146.

Add to § 747:—

Since then the form of cession specified in § 175 B has been prescribed for the reasons there mentioned.

Substitute for footnote 1 to § 758:—

These will be found in Foreign Department Notification No. 1200 E.-B., dated the 19th August 1898. They apply to Native Chiefs and their subjects as to British subjects (Pro., Secret I., January 1898, Nos. 8-10, and Internal A, March 1897, Nos. 146-151). "We do not want our Native Chiefs to look to foreign Powers for honours of any kind", and British Ministers abroad have been instructed to discourage the bestowal of decorations on Chiefs who visit foreign States (Pro., Internal B, February 1898, No. 69). The "distinction" of "Officer de l'Instruction Publique" (§30) is regarded as not a foreign Order and therefore outside the Regulations: it has recently been conferred on the Maharaja of Travancore with the consent of the Government of India (Pro., Internal B, January 1900, Nos. 22-24).

Add to § 764 :—

The grant of titles by a Ruling Chief to subjects of another Native State is inadmissible.

In 1895, the Government of India declined to recognise certain titles conferred by the Nizam on two jagirdars of the Banganapalle State, and laid down the rule that "the grant of titles by a Ruling Native Chief to subjects of another Native State is inadmissible, as constituting a clear violation of the fundamental principle of the political isolation of Native States in India".*

* Pro., Secret I., July 1896, Nos. 52-68.

Substitute for the heading of § 767 *the following* :—

RULING CHIEFS SHOULD NOT ADOPT TITLES SIMILAR TO THOSE USUALLY CONFERRED BY THE VICEROY.

Add to § 767 :—

Beyond the above expression of disfavour, Government will not interfere with the grant of titles by Native Chiefs to their own subjects. But in the case of British subjects, the grant of titles similar to those which are bestowed by the Viceroy should not be proposed and will not ordinarily be sanctioned.*

Further restrictions on the recognition of titles for British subjects.

Following the principle on which permission cannot be given to a British subject to accept a Foreign Order, unless it is conferred for service, the Government of India will not, save in very exceptional cases, approve the grant of a title by a Native Chief to a British subject, unless he is in the service of the Chief's State. When the conferment of a title on a British subject is approved, it will ordinarily be recognised officially and in British India only so long as the recipient is in the service of the State which granted it† : in cases of approved service, however, this rule may, as a matter of favour and courtesy, be relaxed so as to allow a title to continue to be recognised after the recipient's retirement from the service of the State.‡

* Pro., Secret I., July 1896, Nos. 52-68.
" " " 1897 " 103-104.
† As in Mehdi Ali's case (Pro., Internal B, September 1900, Nos. 156-157).
‡ Pro., Secret I., October 1896, Nos. 1-2.

Other Hyderabad cases.

§ 767 A. In 1895 the Hyderabad Minister asked for recognition of a number of titles which the Nizam had conferred on British Indian subjects at his birthday Darbar in 1894. It was stated that His Highness had acted in ignorance of the previous orders, which had not been laid before him by his responsible officials, and that to revoke the titles would seriously injure the Nizam's prestige and personal feelings. Under the circumstances of the case, "the Government of India would have been justified in demanding that the particular titles should be formally cancelled. The Government of India content(ed) themselves with declining to allow their officers to recognise them. This, in itself, (was) a concession".*

* Pro., Secret I., July 1896, Nos. 52-68.
" " January 1897, Nos. 23-26.

Add to § 770:—

(5 A.) *Ruling Chiefs may not grant titles to subjects of another Native State.*

In continuation of (7)—

The consent of the Government of India will very rarely be accorded to the grant of a title by a Chief to a British subject not in the service of the Chief's State.

In continuation of (11)—

When the conferment of a title by a Chief on a Native British subject is approved, it will ordinarily be recognised officially and in British India only so long as the recipient is in the service of the Chief.

Grant of military decorations by Ruling Chiefs to their own troops.

§ 772 A. In 1893, the Maharaja of Kashmir proposed to issue a medal to Kashmir troops engaged in the Hunza-Nagar expedition. It was decided that the decoration must not resemble a British medal, and that a distinct badge would be preferable. A collar badge was adopted.* In 1895, the Maharaja was allowed to decorate his troops engaged in the Chitral campaign with a badge in the shape of a lotus leaf, to be worn with a ribbon on the *right* breast.†.

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* Pro., Secret I., June 1893, Nos. 5-8. | † Pro., Secret I., October 1895, Nos. 93-96.

Add as a footnote to the words "matter of practice" *in § 774:—*

For an instance of the Government of India deciding the hereditary title of a Chief, see Pro., Internal A, June 1899, Nos. 146-147.

Add to clause (*4*) of § *786*:—

*regard being paid to proofs of usages, the character of the claimant and the resources of the family.**

* K.-W. to Pro., Internal A, March 1897, No. 41.

Add as a footnote to the words "five Sind Mirs" in the second paragraph of § 792:—

The title is to be discontinued on the demise of the present holders. Thereafter, the only representative of the ex-Amirs of Sind, who will be so designated, will be the Ruling Chief of Khairpur (Pro., General A, February 1896, Nos. 14-19). The reasons for the decision are similar to those which led to the refusal to grant the title to the Prince of Arcot. "The Government of India do not lay it down as an absolute rule that the merging in the masses of the population of the descendants of former ruling houses is to be hastened as far as possible. A positive and rigid rule would be out of place in respect to a matter where much must depend on the circumstances under which the former status of the house was forfeited, and on the character of the present descendants of the house. On the other hand, it is not only contrary to the interests of Government, but is no real kindness towards the individuals concerned, to in any way encourage a family in an endeavour to maintain a position incompatible with their actual circumstances, or to preserve shadowy rights and privileges serving to remind the possessors of power and authority which have passed away" (Pro., Secret I., November 1897, Nos. 5-6).

Add to § 794:—

As a general rule titles are not granted, otherwise than on or after retirement, to non-gazetted or ministerial officers except for very special reasons, such as good service in the field.

Add to § 801:—

Ram Singh reformed, and in 1897 the title of Raja was by notification restored to him.*

* Pro., Internal A, November 1897, Nos. 86-93.

Cases of Maung Tha Aung and Maung Kyaw Gaung.

§ 802 B. In 1900, two Government officials named Maung Tha Aung and Maung Kyaw Gaung were deprived by notification of their titles. The former had misappropriated money and had fabricated false evidence in his defence. The latter had been convicted of criminal breach of trust. The decorations which accompany Burmese titles were also withdrawn from them.†

† Pro., External B, December 1900, Nos. 38-42.

General rules regarding the withdrawal of titles.

§ 802 C. In 1900, the Secretary of State suggested the introduction of a general rule for the withdrawal of honorary titles and distinctions, with their privileges, from persons proving unworthy of them. The contingency is provided for by the Statutes of the Orders of the Star of India and of the Indian Empire, by the rules of the Kaiser-i-Hind Medal, and the Indian Articles of War and Army Regulations in the case of military decorations. As regards native titles granted or confirmed by the Viceroy, it was considered sufficient to issue a circular prescribing that cases of misconduct on the part of title-holders, sufficiently grave to merit forfeiture of their privileges, should be reported without delay.*

* Pro., Internal A, August 1900, Nos. 303-308.

Add to the sixth sentence in § 814:—

While the Raja of Kharond is not the premier Chief in the Central Provinces, though he alone enjoys a salute.*

* Pro., Internal B, May 1896, Nos. 213-214.

Add to § 815:—

At the installation of a Chief, any salute fired during the ceremony to celebrate the completion of the installation should be limited to the number of guns constituting the Chief's dynastic or personal salute. A royal salute should not be fired unless the Viceroy is present in person, and then only on the arrival and departure of His Excellency.*

* Pro., Secret I., September 1895, Nos. 37-41.

§ 819 A. It was laid down in 1861 that, "whilst the Queen appreciates every mark of the loyalty and affection of the Princes and Chiefs of India, it is not Her Majesty's desire that they should give expression to these feelings by the presentation of costly gifts, the interchange of which is contrary to the established rules and usages generally observed by Her Majesty". If, notwithstanding discouragement, presents were sent through the Government of India, they were to be treated as if presented to the Governor-General. The rule has only been relaxed at the Jubilees of 1887 and 1897. It applies equally to Nobles of distinction. On the same principle, the offer of presents from all other subjects may only be submitted through the Government of India, and, "as a general rule, should be discouraged as contrary to established usage".*

Presents to the King.

Letters and addresses from Chiefs and Princes addressed to His Majesty the King-Emperor or to Members of the Royal Family or to high officials in England are to be forwarded through the Foreign Department who will decide whether to transmit them to the Secretary of State, and, if they forward them, will recommend whether any reply should be sent from England. A reply under His Majesty's autograph is reserved for very special occasions, and the honour will not as a rule be extended to a Chief receiving a salute of less than 17 guns.†

Correspondence of Chiefs with the Royal Family and officials of His Majesty's Government.

* Secretary of State's despatches No 81 P., dated the 17th June 1861, and No. 111 (Political), dated the 19th November 1896.

† Pro., Secret I., February 1895, Nos. 84-86.

Add to footnote 17 to § 820 :—

Ceremonial in Calcutta and Simla has been regularised—Pro, Secret I., January 1896, Nos. 190-249. During the Viceroy's tours the ceremonial follows local custom, and His Excellency's orders have to be taken regarding any proposed alteration—Pro, Secret I, March 1897, Nos. 28-58.

INDEX

TO THE

ADDENDA AND CORRIGENDA

TO

INDIAN POLITICAL PRACTICE.

VOLUMES I, II AND III.

☞ In consulting this Index, it is to be remembered that the paging of each Volume is separate, and that Volume I contains Chapters I to VII, Volume I Chapters VIII to XIII, and Volume III Chapters XIV to XXII.

G. I. C. P. O.—No. 165 F. D.—5-11-1901—34—B. M